

1 A bill to be entitled
2 An act relating to gaming; amending s. 285.710, F.S.;
3 authorizing and directing the Governor, in cooperation
4 with the Seminole Tribe of Florida, to execute a new
5 compact in the form provided; signifying the
6 Legislature's approval and ratification of such
7 compact that does not materially alter from the
8 approved form; providing terms and conditions for the
9 gaming compact; providing definitions; authorizing the
10 Tribe to operate covered games on its lands in
11 accordance with the compact and at specified
12 facilities; prohibiting specified games; providing
13 requirements for resolution of patron disputes
14 involving gaming, tort claims, and employee disputes;
15 providing requirements for regulation and enforcement
16 of the compact; requiring the state to conduct random
17 inspections of tribal facilities; authorizing the
18 state to conduct an independent audit; requiring the
19 Tribe and commission to comply with specified
20 licensing and hearing requirements; requiring the
21 Tribe to make specified revenue share payments to the
22 state, with reductions authorized under certain
23 circumstances; requiring the Tribe to pay an annual
24 oversight assessment and annual donation to the
25 Florida Council on Compulsive Gaming; providing for

26 | dispute resolution between the Tribe and the state;
27 | providing an effective date and termination of the
28 | compact; providing for execution of the compact;
29 | amending s. 285.712, F.S.; requiring the Governor to
30 | provide a copy of the executed compact to specified
31 | parties and direct the Secretary of State to forward a
32 | copy to the Secretary of the Interior; amending s.
33 | 550.054, F.S.; requiring the Division of Pari-Mutuel
34 | Wagering to revoke a permit to conduct pari-mutuel
35 | wagering for a permitholder that fails to make
36 | specified payments or obtain an operating license;
37 | prohibiting the issuance of new permits; deleting
38 | provisions related to the conversion of permits;
39 | repealing s. 550.0555, F.S., relating to relocation of
40 | a greyhound dogracing permit within the same county;
41 | repealing s. 550.0745, F.S., relating to conversion of
42 | a pari-mutuel permit to a summer jai alai permit;
43 | amending ss. 550.09512 and 550.09515, F.S.; requiring
44 | the division to revoke the permit of a harness horse
45 | or thoroughbred racing permitholder, respectively, who
46 | does not pay tax on handle for a specified period of
47 | time; deleting provisions relating to the reissuance
48 | of escheated permits; amending s. 550.3345, F.S.;
49 | revising provisions relating to a limited thoroughbred
50 | racing permit previously converted from a quarter

51 horse racing permit; amending s. 551.102, F.S.;

52 revising the definition of the term "eligible

53 facility"; amending s. 551.104, F.S.; prohibiting the

54 division from issuing a license to conduct or

55 authorizing slot machine gaming after a specified

56 date; amending s. 849.086, F.S.; revising definitions;

57 prohibiting specified cardroom games; authorizing the

58 division to revoke a cardroom license after a certain

59 date for specified actions; correcting a cross-

60 reference; amending s. 849.16, F.S.; revising the

61 definition of the term "slot machine or device";

62 providing action by the division construed to

63 constitute permission by the state to conduct certain

64 cardroom games is not state action; providing an

65 effective date.

66

67 Be It Enacted by the Legislature of the State of Florida:

68

69 Section 1. Paragraph (a) of subsection (1) and subsection

70 (3) of section 285.710, Florida Statutes, are amended to read:

71 285.710 Compact authorization.—

72 (1) As used in this section, the term:

73 (a) "Compact" means the Gaming Compact between the

74 Seminole Tribe of Florida and the State of Florida, ~~executed on~~

75 ~~April 7, 2010.~~

76 (3) (a) The Gaming Compact between the Seminole Tribe of
 77 Florida and the State of Florida, executed by the Governor and
 78 the Tribe on April 7, 2010, was ~~is~~ ratified and approved by
 79 chapter 2010-29, Laws of Florida. ~~The Governor shall cooperate~~
 80 ~~with the Tribe in seeking approval of the compact from the~~
 81 ~~United States Secretary of the Interior.~~

82 (b) The Governor, on behalf of this state, is hereby
 83 authorized and directed to execute a new compact with the Tribe
 84 as set forth in paragraph (c), and the Legislature hereby
 85 signifies in advance its approval and ratification of such
 86 compact, provided that it is identical to the compact set forth
 87 in paragraph (c) and becomes effective on or before January 1,
 88 2019. The Governor shall cooperate with the Tribe in seeking
 89 approval of such compact ratified and approved under this
 90 paragraph from the Secretary of the Department of the Interior.
 91 Upon becoming effective, such compact supersedes the Gaming
 92 Compact ratified and approved under paragraph (a), which shall
 93 then become null and void.

94 (c) The Legislature hereby approves and ratifies the
 95 following Gaming Compact between the State of Florida and the
 96 Seminole Tribe of Florida, provided that such compact becomes
 97 effective on or before January 1, 2019:

98
 99 Gaming Compact Between the Seminole Tribe of Florida
 100 and the State of Florida

101
102 This compact is made and entered into by and between the
103 Seminole Tribe of Florida and the State of Florida, with respect
104 to the operation of covered games, as defined herein, on the
105 Tribe's Indian lands, as defined by the Indian Gaming Regulatory
106 Act, 25 U.S.C. ss. 2701 et seq.

107
108 PART I

109
110 TITLE.—This document shall be referred to as the "Gaming
111 Compact between the Seminole Tribe of Florida and the State of
112 Florida."

113
114 PART II

115
116 LEGISLATIVE FINDINGS.—

117 (1) The Seminole Tribe of Florida is a federally
118 recognized tribal government that possesses sovereign powers and
119 rights of self-government.

120 (2) The State of Florida is a state of the United States
121 of America that possesses the sovereign powers and rights of a
122 state.

123 (3) The State of Florida and the Seminole Tribe of Florida
124 maintain a government-to-government relationship.

125 (4) The United States Supreme Court has long recognized

126 the right of an Indian Tribe to regulate activity on lands
127 within its jurisdiction, but the United States Congress, through
128 the Indian Gaming Regulatory Act, has given states a role in the
129 conduct of tribal gaming in accordance with negotiated tribal-
130 state compacts.

131 (5) Pursuant to the Seminole Tribe Amended Gaming
132 Ordinance, adopted by Resolution No. C-195-06, and approved by
133 the Chairman of the National Indian Gaming Commission on July
134 10, 2006, hereafter referred to as the "Seminole Tribal Gaming
135 Code," the Seminole Tribe of Florida desires to offer the play
136 of covered games, as defined in Part III, as a means of
137 generating revenues for purposes authorized by the Indian Gaming
138 Regulatory Act, including, without limitation, the support of
139 tribal governmental programs, such as health care, housing,
140 sewer and water projects, police, fire suppression, general
141 assistance for tribal elders, day care for children, economic
142 development, educational opportunities, per capita payments to
143 tribal members, and other typical and valuable governmental
144 services and programs for tribal members.

145 (6) This compact is the only gaming compact between the
146 Tribe and the state. This compact supersedes the Gaming Compact
147 between the Tribe and the state executed on or about April 7,
148 2010, which was subsequently ratified by the Legislature and
149 went into effect on or about July 6, 2010.

150 (7) It is in the best interests of the Seminole Tribe of

151 Florida and the State of Florida for the state to enter into a
152 compact with the Tribe that recognizes the Tribe's right to
153 offer certain Class III gaming and provides substantial
154 exclusivity of such activities in conjunction with a reasonable
155 revenue sharing arrangement between the Tribe and the state that
156 will entitle the state to significant revenue participation.

157
158 PART III

159
160 DEFINITIONS.—As used in this compact, the term:

161 (1) "Annual oversight assessment" means the amount owed by
162 the Tribe to the state for reimbursement for the actual and
163 reasonable costs incurred by the state compliance agency to
164 perform the monitoring functions set forth under the compact.

165 (2) "Class II video bingo terminals" means any electronic
166 aid to a Class II bingo game that includes a video spinning reel
167 or mechanical spinning reel display.

168 (3) "Class III gaming" means the forms of Class III gaming
169 defined in 25 U.S.C. s. 2703(8) and by the regulations of the
170 National Indian Gaming Commission.

171 (4) "Commission" means the Seminole Tribal Gaming
172 Commission, which is the tribal governmental agency that has the
173 authority to carry out the Tribe's regulatory and oversight
174 responsibilities under this compact.

175 (5) "Compact" means this Gaming Compact between the

176 Seminole Tribe of Florida and the State of Florida.

177 (6) "Covered game" or "covered gaming activity" means the
178 following Class III gaming activities:

179 (a) Slot machines, which machines must meet all of the
180 following requirements:

181 1. Any mechanical or electrical contrivance, terminal that
182 may or may not be capable of downloading slot games from a
183 central server system, machine, or other device.

184 2. Require, for play or operation, the insertion of a
185 coin, bill, ticket, token, or similar object, or payment of any
186 consideration whatsoever, including the use of any electronic
187 payment system, except a credit card or debit card, unless state
188 law authorizes the use of an electronic payment system that uses
189 a credit or debit card payment, in which case the Tribe is
190 authorized to use such payment system.

191 3. Are available to play or operate, the play or operation
192 of which, whether by reason of skill or application of the
193 element of chance or both, may deliver or entitle the person or
194 persons playing or operating the contrivance, terminal, machine,
195 or other device to receive cash, billets, tickets, tokens, or
196 electronic credits to be exchanged for cash or to receive
197 merchandise or anything of value whatsoever, whether the payoff
198 is made automatically from the machine or manually.

199 4. Includes associated equipment necessary to conduct the
200 operation of the contrivance, terminal, machine, or other

201 device.

202 5. May use spinning reels, video displays, or both.

203 (b) Banking or banked card games, including any card games
204 that are banked by the house, a player, other person or party,
205 or any combination or variation thereof, such as baccarat,
206 chemin de fer, and blackjack or 21; provided that the Tribe
207 shall not offer such banked card games at its Brighton or Big
208 Cypress facilities.

209 (c) Raffles and drawings.

210 (d) Any new game, if expressly authorized by the
211 Legislature pursuant to legislation enacted subsequent to the
212 effective date of this compact and lawfully conducted by any
213 person for any purpose pursuant to such authorization, except
214 for banked card games authorized for any other federally
215 recognized tribe pursuant to Indian Gaming Regulatory Act,
216 provided that the tribe has land in federal trust in the state
217 as of January 1, 2018.

218 (7) "Covered game employee" or "covered employee" means an
219 individual employed and licensed by the Tribe whose
220 responsibilities include the rendering of services with respect
221 to the operation, maintenance, or management of covered games,
222 including, but not limited to, managers and assistant managers;
223 accounting personnel; commission officers; surveillance and
224 security personnel; cashiers, supervisors, and floor personnel;
225 cage personnel; and any other employee whose employment duties

226 require or authorize access to areas of the facility related to
227 the conduct of covered games or the technical support or storage
228 of covered game components. The term does not include the
229 Tribe's elected officials, provided that such individuals are
230 not directly involved in the operation, maintenance, or
231 management of covered games or covered games components.

232 (8) "Documents" means books, records, electronic,
233 magnetic, and computer media documents, and other writings and
234 materials, copies of such documents and writings, and
235 information contained in such documents and writings.

236 (9) "Effective date" means the date on which the compact
237 becomes effective pursuant to subsection (1) of Part XVI.

238 (10) "Electronic bingo machine" means a card minding
239 device, which may only be used in connection with a bingo game
240 as defined in s. 849.0931(1)(a), Florida Statutes, which is
241 certified in advance by an independent testing laboratory
242 approved by the Division of Pari-Mutuel Wagering as a bingo aid
243 device that meets all of the following requirements:

244 (a) Aids a bingo game player by:

245 1. Storing in the memory of the device not more than three
246 bingo faces of tangible bingo cards as defined by s.
247 849.0931(1)(b), Florida Statutes, purchased by a player.

248 2. Comparing the numbers drawn and individually entered
249 into the device by the player to the bingo faces previously
250 stored in the memory of the device.

251 3. Identifying preannounced winning bingo patterns marked
252 or covered on the stored bingo faces.

253 (b) Is not capable of accepting or dispensing any coins,
254 currency, or tokens.

255 (c) Is not capable of monitoring any bingo card face other
256 than the faces of the tangible bingo card or cards purchased by
257 the player for that game.

258 (d) Is not capable of displaying or representing the game
259 result through any means other than highlighting the winning
260 numbers marked or covered on the bingo card face or giving an
261 audio alert that the player's card has a prize-winning pattern.
262 No casino game graphics, themes, or titles, including, but not
263 limited to, depictions of slot machine-style symbols, cards,
264 craps, roulette, or lottery may be used.

265 (e) Is not capable of determining the outcome of any game.

266 (f) Does not award progressive prizes of more than \$2,500.

267 (g) Does not award prizes exceeding \$1,000, other than
268 progressive prizes not exceeding \$2,500.

269 (h) Does not contain more than one player position for
270 playing bingo.

271 (i) Does not contain or does not link to more than one
272 video display.

273 (j) Awards prizes based solely on the results of the bingo
274 game, with no additional element of chance.

275 (11) "Facility" means a building or buildings of the Tribe

276 in which the covered games authorized by this compact are
277 conducted.

278 (12) "Guaranteed minimum compact term payment" means a
279 minimum total payment for the guarantee payment period of \$3
280 billion, which shall include all revenue share payments during
281 the guarantee payment period.

282 (13) "Guarantee payment period" means the seven-year
283 period beginning July 1, 2018, and ending June 30, 2025.

284 (14) "Guaranteed revenue sharing cycle payment" means the
285 payments as provided in Part XI.

286 (15) "Historic racing machine" means an individual
287 historic race terminal linked to a central server as part of a
288 network-based video game, where the terminals allow pari-mutuel
289 wagering by players on the results of previously conducted horse
290 or greyhound races, but only if the game is certified in advance
291 by an independent testing laboratory approved by the Division of
292 Pari-Mutuel Wagering as complying with all of the following
293 requirements:

294 (a) Stores all data on previously conducted horse or
295 greyhound races in a secure format on the central server, which
296 is located at the pari-mutuel facility.

297 (b) Uses only horse or greyhound races that were recorded
298 at licensed pari-mutuel facilities in the United States after
299 January 1, 2000.

300 (c) Offers one or more of the following three bet types on

301 all historic racing machines: win-place-show, quinella, or tri-
302 fecta.

303 (d) Offers one or more of the following racing types:
304 thoroughbreds, harness, or greyhounds.

305 (e) Progressive prizes of more than of \$2,500 are
306 prohibited.

307 (f) Does not award prizes exceeding \$1,000, other than
308 progressive prizes not exceeding \$2,500.

309 (g) After each wager is placed, displays a video of at
310 least the final eight seconds of the horse or greyhound race
311 before any prize is awarded or indicated on the historic racing
312 machine.

313 (h) The display of the video of the horse or greyhound
314 race must occupy at least 70 percent of the historic racing
315 machine's video screen and does not contain and is not linked to
316 more than one video display.

317 (i) Does not use casino game graphics, themes, or titles,
318 including but not limited to, depictions of slot machine-style
319 symbols, cards, craps, roulette, lottery, or bingo.

320 (j) Does not use video or mechanical reel displays.

321 (k) Does not contain more than one player position for
322 placing wagers.

323 (l) Does not dispense coins, currency, or tokens.

324 (m) Awards prizes solely on the results of a previously
325 conducted horse or greyhound race with no additional element of

326 chance.

327 (n) Uses a random number generator to select the race from
328 the central server to be displayed to the player and the numbers
329 or other designations of race entrants that will be used in the
330 various bet types for any "Quick Pick" bets. To prevent an
331 astute player from recognizing the race based on the entrants
332 and thus knowing the results before placing a wager, the
333 entrants of the race may not be identified until after all
334 wagers for that race have been placed.

335 (16) "Indian Gaming Regulatory Act" means the Indian
336 Gaming Regulatory Act, Pub. L. 100-497, Oct. 17, 1988, 102 Stat.
337 2467, codified at 25 U.S.C. ss. 2701 et seq. and 18 U.S.C. ss.
338 1166 to 1168.

339 (17) "Indian lands" means the lands defined in 25 U.S.C.
340 s. 2703(4).

341 (18) "Initial payment period" means the period beginning
342 on the effective date of the compact and ending on June 30,
343 2018.

344 (19) "Lottery vending machine" means any of the following
345 three types of machines:

346 (a) A machine that dispenses pre-printed paper instant
347 lottery tickets, but that does not read or reveal the results of
348 the ticket or allow a player to redeem any ticket. The machine,
349 or any machine or device linked to the machine, does not include
350 or make use of video reels or mechanical reels or other video

351 depictions of slot machine or casino game themes or titles for
352 game play, but does not preclude the use of casino game themes
353 or titles on such tickets or signage or advertising displays on
354 the machines;

355 (b) A machine that dispenses pre-determined electronic
356 instant lottery tickets and displays an image of the ticket on a
357 video screen on the machine, where the player touches the image
358 of the ticket on the video screen to reveal the outcome of the
359 ticket, provided the machine does not permit a player to redeem
360 winnings, does not make use of video reels or mechanical reels,
361 and does not simulate the play of any casino game, and the
362 lottery retailer is paid the same amount as would be paid for
363 the sale of paper instant lottery tickets; or

364 (c) A machine that dispenses a paper lottery ticket with
365 numbers selected by the player or randomly by the machine, but
366 does not reveal the winning numbers. Such winning numbers are
367 selected at a subsequent time and different location through a
368 drawing conducted by the state lottery. The machine, or any
369 machine or device linked to the machine, does not include or
370 make use of video reels or mechanical reels or other video
371 depictions of slot machine or casino game themes or titles for
372 game play. The machine is not used to redeem a winning ticket.
373 This does not preclude the use of casino game themes, titles for
374 signage, or advertising displays on the machine.

375 (20) "Monthly payment" means the monthly revenue share

376 payment which the Tribe remits to the state on the 15th day of
377 the month following each month of the revenue sharing cycle.

378 (21) "Net revenue base" means the net win for the 12 month
379 period immediately preceding the offering of, for public or
380 private use, Class III or other casino-style gaming at any of
381 the licensed pari-mutuel facilities in Broward and Miami-Dade
382 Counties, except that if the commencement of such new gaming is
383 made during the initial payment period, "net revenue base" means
384 net win for the 12-month period immediately preceding this
385 compact.

386 (22) "Net win" means the total receipts from the play of
387 all covered games less all prize payouts and free play or
388 promotional credits issued by the Tribe.

389 (23) "Pari-mutuel wagering activities" means those
390 activities presently authorized by chapter 550, which do not
391 include any casino-style game or device that includes video
392 reels or mechanical reels or other slot machine or casino game
393 themes or titles.

394 (24) "Patron" means any person who is on the premises of a
395 facility, or who enters the Tribe's Indian lands for the purpose
396 of playing covered games authorized by this compact.

397 (25) "Regular payment period" means the period beginning
398 on July 1, 2025, and terminating at the end of the term of this
399 compact.

400 (26) "Revenue share payment" means the periodic payment by

401 the Tribe to the state provided for in Part XI.

402 (27) "Revenue sharing cycle" means the annual 12-month
403 period of the Tribe's operation of covered games in its
404 facilities beginning on July 1 of each fiscal year, except for
405 during the initial payment period, when the first revenue
406 sharing cycle begins on July 1 of the previous year, and the
407 Tribe receives a credit for any amount paid to the state under
408 the 2010 Compact for that revenue sharing cycle.

409 (28) "Rules and regulations" means the rules and
410 regulations promulgated by the commission for implementation of
411 this compact.

412 (29) "State" means the State of Florida.

413 (30) "State compliance agency" means the state agency
414 designated by the Florida Legislature that has the authority to
415 carry out the state's oversight responsibilities under this
416 compact.

417 (31) "Tribe" means the Seminole Tribe of Florida or any
418 affiliate thereof conducting activities pursuant to this compact
419 under the authority of the Seminole Tribe of Florida.

420

421 PART IV

422

423 AUTHORIZATION AND LOCATION OF COVERED GAMES.—

424 (1) The Tribe and state agree that the Tribe is authorized
425 to operate covered games on its Indian lands, as defined in the

426 Indian Gaming Regulatory Act, in accordance with the provisions
427 of this compact. Except as otherwise provided in this compact,
428 nothing gives the Tribe the right to conduct roulette, craps,
429 roulette-style games, or craps-style games; however, nothing in
430 the compact is intended to prohibit the Tribe from operating
431 slot machines that employ video or mechanical displays of
432 roulette, wheels, or other table game themes. Except for the
433 provisions in subsection (1) of Part XI, nothing in this compact
434 shall limit the Tribe's right to operate any Class II gaming
435 under the Indian Gaming Regulatory Act.

436 (2) The Tribe is authorized to conduct covered games under
437 this compact only at the following seven existing facilities,
438 which may be expanded or replaced as provided in subsection (3)
439 on Indian lands:

440 (a) Seminole Indian Casino-Brighton in Okeechobee, FL.

441 (b) Seminole Indian Casino-Coconut Creek in Coconut Creek,
442 FL.

443 (c) Seminole Indian Casino-Hollywood in Hollywood, FL.

444 (d) Seminole Indian Casino-Immokalee in Immokalee, FL.

445 (e) Seminole Indian Casino-Big Cypress in Clewiston, FL.

446 (f) Seminole Hard Rock Hotel & Casino-Hollywood in
447 Hollywood, FL.

448 (g) Seminole Hard Rock Hotel & Casino-Tampa in Tampa, FL.

449 (3) Any of the facilities existing on Indian lands
450 identified in subsection (2) may be expanded or replaced by

451 another facility on the same Indian lands with at least 60 days'
452 advance notice to the state.

453
454 PART V

455
456 RULES AND REGULATIONS; MINIMUM REQUIREMENTS FOR
457 OPERATIONS.—

458 (1) At all times during the term of this compact, the
459 Tribe shall be responsible for all duties that are assigned to
460 it and the commission under this compact. The Tribe shall
461 promulgate any rules necessary to implement this compact, which,
462 at a minimum, shall expressly include or incorporate by
463 reference all provisions of Parts V, VI, VII, and VIII. Nothing
464 in this compact shall be construed to affect the Tribe's right
465 to amend its rules, provided that any such amendment is in
466 conformity with this compact. The state compliance agency may
467 propose additional rules consistent with and related to the
468 implementation of this compact to the commission at any time,
469 and the commission shall give good faith consideration to such
470 proposed rules and shall notify the state compliance agency of
471 its response or action with respect to such rules.

472 (2) All facilities shall comply with, and all covered
473 games approved under this compact shall be operated in
474 accordance with, the requirements set forth in this compact,
475 including, but not limited to, the requirements set forth in

476 subsections (3) and (4) and the Tribe's Internal Control
477 Policies and Procedures. In addition, all facilities and all
478 covered games shall be operated in strict compliance with tribal
479 internal control standards that provide a level of control that
480 equals or exceeds those set forth in the National Indian Gaming
481 Commission's Minimum Internal Control Standards, 25 C.F.R. part
482 542 (2015), even if the 2015 regulations are determined to be
483 invalid or are subsequently withdrawn by the National Indian
484 Gaming Commission. The Tribe may amend or supplement its
485 internal control standards from time to time, provided that such
486 changes continue to provide a level of control that equals or
487 exceeds those set forth in 25 C.F.R. part 542 (2015).

488 (3) The Tribe and the commission shall retain all
489 documents in compliance with the requirements set forth in the
490 Tribe's Record Retention Policies and Procedures.

491 (4) The Tribe shall continue and maintain its program to
492 combat problem gambling and curtail compulsive gambling and work
493 with the Florida Council on Compulsive Gambling or other
494 organizations dedicated to assisting problem gamblers. The Tribe
495 shall continue to maintain the following safeguards against
496 problem gambling:

497 (a) The Tribe shall provide to every new gaming employee a
498 comprehensive training and education program designed in
499 cooperation with the Florida Council on Compulsive Gambling or
500 other organization dedicated to assisting problem gamblers.

501 (b) The Tribe shall make printed materials available to
502 patrons, which include contact information for the Florida
503 Council on Compulsive Gambling 24-hour helpline or other hotline
504 dedicated to assisting problem gamblers, and will work with the
505 Florida Council on Compulsive Gambling or other organization
506 dedicated to assisting problem gamblers to provide contact
507 information for the Florida Council on Compulsive Gambling or
508 other organization dedicated to assisting problem gamblers, and
509 to provide such information on the facility's website. The Tribe
510 shall continue to display within the facilities all literature
511 from the Florida Council on Compulsive Gambling or other
512 organization dedicated to assisting problem gamblers.

513 (c)1. The commission shall establish a list of patrons
514 voluntarily excluded from the Tribe's facilities, pursuant to
515 subparagraph 3.

516 2. The Tribe shall employ its best efforts to exclude
517 patrons on such list from entry into its facilities; provided
518 that nothing in this compact shall create for patrons who are
519 excluded but gain access to the facilities, or any other person,
520 a cause of action or claim against the state, the Tribe or the
521 commission, or any other person, entity, or agency for failing
522 to enforce such exclusion.

523 3. Patrons who believe they may be compulsively playing
524 covered games may request that their names be placed on the list
525 of patrons voluntarily excluded from the Tribe's facilities.

526 (d) All covered game employees shall receive training on
527 identifying compulsive gamblers and shall be instructed to ask
528 such persons to leave. The facility shall make available signs
529 bearing a toll-free help-line number and educational and
530 informational materials at conspicuous locations and automated
531 teller machines in each facility, which materials aim at the
532 prevention of problem gaming and which specify where patrons may
533 receive counseling or assistance for gambling problems. All
534 covered games employees shall also be screened by the Tribe for
535 compulsive gambling habits. Nothing in this subsection shall
536 create for patrons, or any other person, a cause of action or
537 claim against the state, the Tribe or the commission, or any
538 other person, entity, or agency for failing to identify a patron
539 or person who is a compulsive gambler or ask that person to
540 leave.

541 (e) The Tribe shall follow the rules for exclusion of
542 patrons set forth in the Seminole Tribal Gaming Code.

543 (f) The Tribe shall make diligent efforts to prevent
544 underage individuals from loitering in the area of each facility
545 where the covered games take place.

546 (g) The Tribe shall ensure that any advertising and
547 marketing of covered games at the facilities contains a
548 responsible gambling message and a toll-free help-line number
549 for problem gamblers, where practical, and that such advertising
550 and marketing make no false or misleading claims.

551 (5) The state may secure an annual independent audit of
552 the conduct of covered games subject to this compact, as set
553 forth in Part VIII.

554 (6) The facility shall visibly display summaries of the
555 rules for playing covered games and promotional contests and
556 shall make available complete sets of rules upon request. The
557 Tribe shall provide copies of all such rules to the state
558 compliance agency within 30 calendar days after issuance or
559 amendment.

560 (7) The Tribe shall provide the commission and state
561 compliance agency with a chart of the supervisory lines of
562 authority with respect to those directly responsible for the
563 conduct of covered games, and shall promptly notify those
564 agencies of any material changes to the chart.

565 (8) The Tribe shall continue to maintain proactive
566 approaches to prevent improper alcohol sales, drunk driving,
567 underage drinking, and underage gambling. These approaches shall
568 involve intensive staff training, screening and certification,
569 patron education, and the use of security personnel and
570 surveillance equipment in order to enhance patrons' enjoyment of
571 the facilities and provide for patron safety.

572 (a) Staff training includes specialized employee training
573 in nonviolent crisis intervention, driver license verification,
574 and detection of intoxication.

575 (b) Patron education shall be carried out through notices

576 transmitted on valet parking stubs, posted signs in the
577 facilities, and in brochures.

578 (c) Roving and fixed security officers, along with
579 surveillance cameras, shall assist in the detection of
580 intoxicated patrons, investigate problems, and engage with
581 patrons to deescalate volatile situations.

582 (d) To help prevent alcohol-related crashes, the Tribe
583 will continue to operate the "Safe Ride Home Program," a free
584 taxi service.

585 (e) The Tribe shall maintain these programs and policies
586 in its Alcohol Beverage Control Act for the duration of the
587 compact but may replace such programs and policies with stricter
588 or more extensive programs and policies. The Tribe shall provide
589 the state with written notice of any changes to the Tribe's
590 Alcohol Beverage Control Act, which notice shall include a copy
591 of such changes and shall be sent on or before the effective
592 date of the change. Nothing in this subsection shall create for
593 patrons, or any other person, a cause of action or claim against
594 the state, the Tribe or the commission, or any other person,
595 entity, or agency for failing to fulfill the requirements of
596 this subsection.

597 (9) A person under 21 years of age may not play covered
598 games, unless otherwise permitted by state law.

599 (10) The Tribe may establish and operate facilities that
600 operate covered games only on its Indian lands as defined by the

601 Indian Gaming Regulatory Act and as specified in Part IV.

602 (11) The commission shall keep a record of, and shall
603 report at least quarterly to the state compliance agency, the
604 number of covered games in each facility, by the name or type of
605 each game and its identifying number.

606 (12) The Tribe and the commission shall make available, to
607 any member of the public upon request, within 10 business days,
608 a copy of the National Indian Gaming Commission's Minimum
609 Internal Control Standards, 25 C.F.R. part 542 (2015), the
610 Seminole Tribal Gaming Code, this compact, the rules of each
611 covered game operated by the Tribe, and the administrative
612 procedures for addressing patron tort claims under Part VI.

613

614 PART VI

615

616 PATRON DISPUTES, WORKERS' COMPENSATION, TORT CLAIMS; PRIZE
617 CLAIMS; LIMITED CONSENT TO SUIT.—

618 (1) All patron disputes involving gaming shall be resolved
619 in accordance with the procedures established in the Seminole
620 Tribal Gaming Code.

621 (2) Tort claims by employees of the Tribe's facilities
622 will be handled pursuant to the provisions of the Tribe's
623 Workers' Compensation Ordinance, which shall provide workers the
624 same or better protections as provided in state workers'
625 compensation laws.

626 (3) Disputes involving employees of the Tribe's facilities
627 will be handled pursuant to the provisions of the Tribe's policy
628 for gaming employees, as set forth in the Employee Fair
629 Treatment and Dispute Resolution Policy.

630 (4) A patron who claims to have been injured after the
631 effective date of the compact at one of the Tribe's facilities
632 in which covered games are played is required to provide written
633 notice to the Tribe's Risk Management Department or the
634 facility, in a reasonable and timely manner, but no longer than
635 three years after the date of the incident giving rise to the
636 claimed injury, or the claim shall be forever barred.

637 (5) The Tribe shall have 30 days to respond to a claim
638 made by a patron. If the Tribe fails to respond within 30 days,
639 the patron may file suit against the Tribe. When the Tribe
640 responds to an incident alleged to have caused a patron's injury
641 or illness, the Tribe shall provide a claim form to the patron.
642 The form must include the address for the Tribe's Risk
643 Management Department and provide notice of the Tribe's
644 administrative procedures for addressing patron tort claims,
645 including notice of the relevant deadlines that may bar such
646 claims if the Tribe's administrative procedures are not
647 followed. It is the patron's responsibility to complete the form
648 and forward the form to the Tribe's Risk Management Department
649 within a reasonable period of time, and in a reasonable and
650 timely manner. Nothing herein shall interfere with any claim a

651 patron might have arising under the Federal Tort Claim Act.

652 (6) Upon receiving written notification of the claim, the
653 Tribe's Risk Management Department shall forward the
654 notification to the Tribe's insurance carrier. The Tribe shall
655 use its best efforts to ensure that the insurance carrier
656 contacts the patron within a reasonable period of time after
657 receipt of the claim.

658 (7) The insurance carrier shall handle the claim to
659 conclusion. If the patron, Tribe, and insurance carrier are not
660 able to resolve the claim in good faith within one year after
661 the patron provided written notice to the Tribe's Risk
662 Management Department or the facility, the patron may bring a
663 tort claim against the Tribe in any court of competent
664 jurisdiction in the county in which the incident alleged to have
665 caused injury occurred, as provided in this compact, and subject
666 to a four-year statute of limitations, which shall begin to run
667 from the date of the incident of the injury alleged in the
668 claim. A patron's notice of injury to the Tribe pursuant to
669 subsection (4) and the fulfillment of the good faith attempt at
670 resolution pursuant to this part are conditions precedent to
671 filing suit.

672 (8) For tort claims of patrons made pursuant to subsection
673 (4), the Tribe agrees to waive its tribal sovereign immunity to
674 the same extent as the state waives its sovereign immunity, as
675 specified in s. 768.28(1) and (5), Florida Statutes, as such

676 provision may be amended from time to time by the Legislature.
677 In no event shall the Tribe be deemed to have waived its tribal
678 immunity from suit beyond the limits set forth in s. 768.28(5),
679 Florida Statutes. These limitations are intended to include
680 liability for compensatory damages, costs, pre-judgment
681 interest, and attorney fees if otherwise allowable under state
682 law arising out of any claim brought or asserted against the
683 Tribe, its subordinate governmental and economic units, any
684 Tribal officials, employees, servants, or agents in their
685 official capacities and any entity which is owned, directly or
686 indirectly, by the Tribe. All patron tort claims brought
687 pursuant to this provision shall be brought solely against the
688 Tribe, as the sole party in interest.

689 (9) Notices explaining the procedures and time limitations
690 with respect to making a tort claim shall be prominently
691 displayed in the facilities, posted on the Tribe's website, and
692 provided to any patron for whom the Tribe has notice of the
693 injury or property damage giving rise to the tort claim. Such
694 notices shall explain:

695 (a) The method and places for making a tort claim,
696 including where the patron must submit the claim.

697 (b) That the process is the exclusive method for asserting
698 a tort claim arising under this section against the Tribe.

699 (c) That the Tribe and its insurance carrier have one year
700 from the date the patron gives notice of the claim to resolve

701 the matter, and that after that time, the patron may file suit
702 in a court of competent jurisdiction.

703 (d) That the exhaustion of the process is a prerequisite
704 to filing a claim in state court.

705 (e) That claims that fail to follow this process shall be
706 forever barred.

707 (10) The Tribe shall maintain an insurance policy that
708 shall:

709 (a) Prohibit the insurer or the Tribe from invoking tribal
710 sovereign immunity for claims up to the limits to which the
711 state has waived sovereign immunity as set forth in s.
712 768.28(5), Florida Statutes, or its successor statute.

713 (b) Include covered claims made by a patron or invitee for
714 personal injury or property damage.

715 (c) Permit the insurer or the Tribe to assert any
716 statutory or common law defense other than sovereign immunity.

717 (d) Provide that any award or judgment rendered in favor
718 of a patron or invitee shall be satisfied solely from insurance
719 proceeds.

720 (11) The Tribal Council of the Seminole Tribe of Florida
721 may, in its discretion, consider claims for compensation in
722 excess of the limits of the Tribe's waiver of its sovereign
723 immunity.

724

725

PART VII

726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750

ENFORCEMENT OF COMPACT PROVISIONS.—

(1) The Tribe, the commission, and the state compliance agency, to the extent authorized by this compact, shall be responsible for regulating activities pursuant to this compact. As part of its responsibilities, the Tribe shall adopt or issue standards designed to ensure that the facilities are constructed, operated, and maintained in a manner that adequately protects the environment and public health and safety. Additionally, the Tribe and the commission shall ensure that:

(a) Operation of the conduct of covered games is in strict compliance with:

- 1. The Seminole Tribal Gaming Code.
- 2. All rules, regulations, procedures, specifications, and standards lawfully adopted by the National Indian Gaming Commission and the commission.
- 3. The provisions of this compact, including, but not limited to, the Tribe's standards and rules.

(b) Reasonable measures are taken to:

- 1. Ensure the physical safety of facility patrons, employees, and any other person while in the facility.
- 2. Prevent illegal activity at the facilities or with regard to the operation of covered games, including, but not limited to, the maintenance of employee procedures and a

751 surveillance system.

752 3. Ensure prompt notification is given, in accordance with
753 applicable law, to appropriate law enforcement authorities of
754 persons who may be involved in illegal acts.

755 4. Ensure that the construction and maintenance of the
756 facilities complies with the standards of the Florida Building
757 Code, the provisions of which the Tribe has adopted as the
758 Seminole Tribal Building Code.

759 5. Ensure adequate emergency access plans have been
760 prepared to ensure the health and safety of all covered game
761 patrons.

762 (2) All licenses for members and employees of the
763 commission shall be issued according to the same standards and
764 terms applicable to facility employees. The commission's
765 officers shall be independent of the Tribal gaming operations,
766 and shall be supervised by and accountable only to the
767 commission. A commission officer shall be available to the
768 facility during all hours of operation upon reasonable notice,
769 and shall have immediate access to any and all areas of the
770 facility for the purpose of ensuring compliance with the
771 provisions of this compact. The commission shall investigate any
772 suspected or reported violation of this part and shall
773 officially enter into its files timely written reports of
774 investigations and any action taken thereon, and shall forward
775 copies of such investigative reports to the state compliance

776 agency within 30 calendar days after such filing. The scope of
777 such reporting shall be determined by the commission and the
778 state compliance agency as soon as practicable after the
779 effective date of this compact. Any such violations shall be
780 reported immediately to the commission, and the commission shall
781 immediately forward such reports to the state compliance agency.
782 In addition, the commission shall promptly report to the state
783 compliance agency any such violations which it independently
784 discovers.

785 (3) In order to develop and foster a positive and
786 effective relationship in the enforcement of the provisions of
787 this compact, representatives of the commission and the state
788 compliance agency shall meet at least annually to review past
789 practices and examine methods to improve the regulatory scheme
790 created by this compact. The meetings shall take place at a
791 location mutually agreed upon by the commission and the state
792 compliance agency. The state compliance agency, before or during
793 such meetings, shall disclose to the commission any concerns,
794 suspected activities, or pending matters reasonably believed to
795 constitute violations of the compact by any person,
796 organization, or entity, if such disclosure will not compromise
797 the interest sought to be protected.

798
799 PART VIII
800

801 STATE MONITORING OF COMPACT.—

802 (1) It is the express intent of the Tribe and the state
803 for the Tribe to regulate its own gaming activities.

804 Notwithstanding, the state shall conduct random inspections as
805 provided for in this part to ensure that the Tribe is operating
806 in accordance with the terms of the compact. The state may
807 secure an annual independent audit of the conduct of covered
808 games subject to this compact and the Tribe shall cooperate with
809 such audit. The audit shall:

810 (a) Examine the covered games operated by the Tribe to
811 ensure compliance with the Tribe's Internal Control Policies and
812 Procedures and any other standards, policies, or procedures
813 adopted by the Tribe, the commission, or the National Indian
814 Gaming Commission which govern the play of covered games.

815 (b) Examine revenues in connection with the conduct of
816 covered games and include only those matters necessary to verify
817 the determination of net win and the basis and amount of the
818 payments the Tribe is required to make to the state pursuant to
819 Part XI and as defined by this compact.

820 (2) A copy of the audit report for the conduct of covered
821 games shall be submitted to the commission and the state
822 compliance agency within 30 calendar days after completion.
823 Representatives of the state compliance agency may, upon
824 request, meet with the Tribe and its auditors to discuss the
825 audit or any matters in connection therewith; provided that such

826 discussions are limited to covered games information. The annual
827 independent audit shall be performed by an independent firm
828 selected by the state which has experience in auditing casino
829 operations, subject to the consent of the Tribe, which shall not
830 be unreasonably withheld. The Tribe shall pay for the cost of
831 the annual independent audit.

832 (3) As provided herein, the state compliance agency may
833 monitor the conduct of covered games to ensure that the covered
834 games are conducted in compliance with the provisions of this
835 compact. In order to properly monitor the conduct of covered
836 games, agents of the state compliance agency shall have
837 reasonable access, without prior notice, to all public areas of
838 the facilities related to the conduct of covered games.

839 (a) The state compliance agency may review whether the
840 Tribe's facilities are in compliance with the provisions of this
841 compact and the Tribe's rules and regulations applicable to
842 covered games and may advise on such issues as it deems
843 appropriate. In the event of a dispute or disagreement between
844 Tribal and state compliance agency regulators, the dispute or
845 disagreement shall be resolved in accordance with the dispute
846 resolution provisions of Part XIII.

847 (b) In order to fulfill its oversight responsibilities,
848 the state compliance agency may perform on a routine basis
849 specific oversight testing procedures as set forth in paragraph
850 (c).

851 (c)1. The state compliance agency may inspect any covered
852 games in operation at the facilities on a random basis, provided
853 that such inspections may not exceed one inspection per facility
854 per calendar month and the inspection may not exceed ten hours
855 spread over those two consecutive days, unless the state
856 compliance agency determines that additional inspection hours
857 are needed to address the issues of substantial noncompliance,
858 provided that the state compliance agency provides the Tribe
859 with written notification of the need for additional inspection
860 hours and a written summary of the substantial noncompliance
861 issues that need to be addressed during the additional
862 inspection hours. The total number of hours of random
863 inspections and audit reviews per year may not exceed 1,200
864 hours. Inspection hours shall be calculated on the basis of the
865 actual amount of time spent by the state compliance agency
866 conducting the inspections at a facility, without accounting for
867 a multiple for the number of state compliance agency inspectors
868 or agents engaged in the inspection activities. The purpose of
869 the random inspections is to confirm that the covered games
870 function properly pursuant to the manufacturer's technical
871 standards and are conducted in compliance with the Tribe's
872 Internal Control Policies and Procedures and any other
873 standards, policies, or procedures adopted by the Tribe, the
874 commission, or the National Indian Gaming Commission which
875 govern the play of covered games. The state compliance agency

876 shall provide notice to the commission of such inspection at or
877 before the commencement of a random inspection and a commission
878 agent may accompany the inspection.

879 2. For each facility, the state compliance agency may
880 perform one annual review of the Tribe's slot machine compliance
881 audit.

882 3. At least annually, the state compliance agency may meet
883 with the Tribe's Internal Audit Department for Gaming to review
884 internal controls and the record of violations for each
885 facility.

886 (d) The state compliance agency shall cooperate with and
887 obtain the assistance of the commission in the resolution of any
888 conflicts in the management of the facilities, and the state and
889 the Tribe shall make their best efforts to resolve disputes
890 through negotiation whenever possible. Therefore, to foster a
891 spirit of cooperation and efficiency, the state compliance
892 agency and Tribe shall resolve disputes between the state
893 compliance agency staff and commission regulators about the day-
894 to-day regulation of the facilities through meeting and
895 conferring in good faith. Notwithstanding, the parties may seek
896 other relief that may be available when circumstances require
897 such relief. In the event of a dispute or disagreement between
898 tribal and state compliance agency regulators, the dispute or
899 disagreement shall be resolved in accordance with the dispute
900 resolution provisions of Part XIII.

901 (e) The state compliance agency shall have access to each
902 facility during the facility's operating hours only. No advance
903 notice is required when the state compliance agency inspection
904 is limited to public areas of the facility; however,
905 representatives of the state compliance agency shall provide
906 notice and photographic identification to the commission of
907 their presence before beginning any such inspections.

908 (f) The state compliance agency agents, to ensure that a
909 commission officer is available to accompany the state
910 compliance agency agents at all times, shall provide one hour
911 notice and photographic identification to the commission before
912 entering any nonpublic area of a facility. Agents of the state
913 compliance agency shall be accompanied in nonpublic areas of the
914 facility by a commission officer.

915 (g) Any suspected or claimed violations of this compact or
916 law shall be directed in writing to the commission. The state
917 compliance agency, in conducting the functions assigned them
918 under this compact, shall not unreasonably interfere with the
919 functioning of any facility.

920 (4) Subject to the provisions herein, the state compliance
921 agency may review and request copies of documents of the
922 facility related to its conduct of covered games during normal
923 business hours unless otherwise allowed by the Tribe. The Tribe
924 may not refuse said inspection and copying of such documents,
925 provided that the inspectors do not require copies of documents

926 in such volume that it unreasonably interferes with the normal
927 functioning of the facilities or covered games. To the extent
928 that the Tribe provides the state with information that the
929 Tribe claims to be confidential and proprietary, or a trade
930 secret, the Tribe shall clearly mark such information with the
931 following designation: "Trade Secret, Confidential, and
932 Proprietary." If the state receives a request under chapter 119
933 that would include such designated information, the state shall
934 promptly notify the Tribe of such a request and the Tribe shall
935 promptly notify the state about its intent to seek judicial
936 protection from disclosure. Upon such notice from the Tribe, the
937 state may not release the requested information until a judicial
938 determination is made. This designation and notification
939 procedure does not excuse the state from complying with the
940 requirements of the state's public records law, but is intended
941 to provide the Tribe the opportunity to seek whatever judicial
942 remedy it deems appropriate. Notwithstanding the foregoing
943 procedure, the state compliance agency may provide copies of
944 tribal documents to federal law enforcement and other state
945 agencies or state consultants that the state deems reasonably
946 necessary in order to conduct or complete any investigation of
947 suspected criminal activity in connection with the Tribe's
948 covered games or the operation of the facilities or in order to
949 assure the Tribe's compliance with this compact.

950 (5) At the completion of any state compliance agency

951 inspection or investigation, the state compliance agency shall
952 forward any written report thereof to the commission, containing
953 all pertinent, nonconfidential, nonproprietary information
954 regarding any violation of applicable laws or this compact which
955 was discovered during the inspection or investigation unless
956 disclosure thereof would adversely impact an investigation of
957 suspected criminal activity. Nothing herein prevents the state
958 compliance agency from contacting tribal or federal law
959 enforcement authorities for suspected criminal wrongdoing
960 involving the commission.

961 (6) Except as expressly provided in this compact, nothing
962 in this compact shall be deemed to authorize the state to
963 regulate the Tribe's government, including the commission, or to
964 interfere in any way with the Tribe's selection of its
965 governmental officers, including members of the commission.

966
967 PART IX
968

969 JURISDICTION.—The obligations and rights of the state and
970 the Tribe under this compact are contractual in nature and are
971 to be construed in accordance with the laws of the state. This
972 compact does not alter tribal, federal, or state civil
973 adjudicatory or criminal jurisdiction in any way.

974
975 PART X

976
977 LICENSING.—The Tribe and the commission shall comply with
978 the licensing and hearing requirements set forth in 25 C.F.R.
979 parts 556 and 558, as well as the applicable licensing and
980 hearing requirements set forth in Articles IV, V, and VI of the
981 Seminole Tribal Gaming Code. The commission shall notify the
982 state compliance agency of any disciplinary hearings or
983 revocation or suspension of licenses.

984
985 PART XI

986
987 PAYMENTS TO THE STATE OF FLORIDA.—

988 (1) The parties acknowledge and recognize that this
989 compact provides the Tribe with partial but substantial
990 exclusivity and other valuable consideration consistent with the
991 goals of the Indian Gaming Regulatory Act, including special
992 opportunities for tribal economic development through gaming
993 within the external boundaries of the state with respect to the
994 play of covered games. In consideration thereof, the Tribe
995 covenants and agrees, subject to the conditions agreed upon in
996 Part XII, to make payments to the state derived from net win as
997 set forth in subsections (2) and (7). The Tribe further agrees
998 that it will not purchase or lease any new Class II video bingo
999 terminals or their equivalents for use at its facilities after
1000 the effective date of this compact.

HB 7067

2018

1001 (2) The Tribe shall make periodic revenue share payments
1002 to the state derived from net win as set forth in this
1003 subsection, and any such payments shall be made to the state via
1004 electronic funds transfer. Of the amounts paid by the Tribe to
1005 the state, three percent shall be distributed to local
1006 governments, including both counties and municipalities, in the
1007 state affected by the Tribe's operation of covered games. Of the
1008 remaining amounts paid by the Tribe to the state, one-third
1009 shall be allocated to K-12 teacher recruitment and retention
1010 bonuses pursuant to s. 1012.731, one-third shall be allocated to
1011 schools that serve students from persistently failing schools
1012 pursuant to ss. 1001.292 and 1002.333, and one-third shall be
1013 allocated to higher education institutions to recruit and retain
1014 distinguished faculty. If the Florida Legislature fails to
1015 allocate the amounts to the specified educational purposes in
1016 the precise manner and amounts set forth in this subsection, all
1017 further payments due to the state pursuant to subsections (2)
1018 and (7) shall cease, until such time as such allocations are
1019 made, in which event the payments shall resume. Payments shall
1020 be due in accordance with the payment schedule set forth in
1021 paragraph (a).

1022 (a) Revenue share payments by the Tribe to the state shall
1023 be calculated as follows:

1024 1. During the initial payment period, the Tribe agrees to
1025 pay the state a revenue share payment in accordance with this

1026 subparagraph.

1027 a. 13 percent of all amounts up to \$2 billion of net win

1028 received by the Tribe from the operation and play of covered

1029 games during each revenue sharing cycle;

1030 b. 17.5 percent of all amounts greater than \$2 billion up

1031 to and including \$3.5 billion of net win received by the Tribe

1032 from the operation and play of covered games during each revenue

1033 sharing cycle;

1034 c. 20 percent of all amounts greater than \$3.5 billion up

1035 to and including \$4 billion of net win received by the Tribe

1036 from the operation and play of covered games during each revenue

1037 sharing cycle;

1038 d. 22.5 percent of all amounts greater than \$4 billion up

1039 to and including \$4.5 billion of net win received by the Tribe

1040 from the operation and play of covered games during each revenue

1041 sharing cycle; or

1042 e. 25 percent of all amounts greater than \$4.5 billion of

1043 net win received by the Tribe from the operation and play of

1044 covered games during each revenue sharing cycle.

1045 2. During the guarantee payment period, the Tribe agrees

1046 to make fixed payments in accordance with this subparagraph. In

1047 addition, within 90 days after the end of the guarantee payment

1048 period, the Tribe shall make an additional payment to the state

1049 equal to the amount above \$3 billion, if any, that would have

1050 been owed by the Tribe to the state had the percentages set

1051 forth in subparagraph 3. been applicable during the guarantee
1052 payment period.

1053 a. A payment of \$325 million during the first revenue
1054 sharing cycle;

1055 b. A payment of \$350 million during the second revenue
1056 sharing cycle;

1057 c. A payment of \$375 million during the third revenue
1058 sharing cycle;

1059 d. A payment of \$425 million during the fourth revenue
1060 sharing cycle;

1061 e. A payment of \$475 million during the fifth revenue
1062 sharing cycle;

1063 f. A payment of \$500 million during the sixth revenue
1064 sharing cycle; and

1065 g. A payment of \$550 million during the seventh revenue
1066 sharing cycle.

1067 3. During the regular payment period, the Tribe agrees to
1068 pay a revenue share payment, for each revenue sharing cycle, to
1069 the state equal to the amount calculated in accordance with this
1070 subparagraph.

1071 a. 13 percent of all amounts up to \$2 billion of net win
1072 received by the Tribe from the operation and play of covered
1073 games during each revenue sharing cycle;

1074 b. 17.5 percent of all amounts greater than \$2 billion up
1075 to and including \$3.5 billion of net win received by the Tribe

1076 from the operation and play of covered games during each revenue
 1077 sharing cycle;

1078 c. 20 percent of all amounts greater than \$3.5 billion up
 1079 to and including \$4 billion of net win received by the Tribe
 1080 from the operation and play of covered games during each revenue
 1081 sharing cycle;

1082 d. 22.5 percent of all amounts greater than \$4 billion up
 1083 to and including \$4.5 billion of net win received by the Tribe
 1084 from the operation and play of covered games during each revenue
 1085 sharing cycle; or

1086 e. 25 percent of all amounts greater than \$4.5 billion of
 1087 net win received by the Tribe from the operation and play of
 1088 covered games during each revenue sharing cycle.

1089 (3) The Tribe shall remit monthly payments as follows:

1090 (a) On or before the 15th day of the month following each
 1091 month of the revenue sharing cycle, the Tribe will remit to the
 1092 state or its assignee the monthly payment. For purposes of this
 1093 section, the monthly payment shall be 8.3 percent of the
 1094 estimated revenue share payment to be paid by the Tribe during
 1095 such revenue sharing cycle.

1096 (b) The Tribe shall make available to the state at the
 1097 time of the monthly payment the basis for the calculation of the
 1098 payment.

1099 (c) The Tribe shall, on a monthly basis, reconcile the
 1100 calculation of the estimated revenue share payment based on the

1101 Tribe's unaudited financial statements related to covered games.

1102 (4) The Tribe shall have an audit conducted as follows:

1103 (a) On or before the 45th day after the third month, sixth
1104 month, ninth month, and twelfth month of each revenue sharing
1105 cycle, provided that the 12-month period does not coincide with
1106 the Tribe's fiscal year end date as indicated in paragraph (c),
1107 the Tribe shall provide the state with an audit report by its
1108 independent auditors as to the annual revenue share calculation.

1109 (b) For each quarter within revenue sharing cycle, the
1110 Tribe shall engage its independent auditors to conduct a review
1111 of the unaudited net revenue from covered games. On or before
1112 the 120th day after the end of the Tribe's fiscal year, the
1113 Tribe shall require its independent auditors to provide an audit
1114 report with respect to net win for covered games and the related
1115 payment of the annual revenue share.

1116 (c) If the twelfth month of the revenue sharing cycle does
1117 not coincide with the Tribe's fiscal year, the Tribe shall
1118 deduct net win from covered games for any of the months outside
1119 of the revenue sharing cycle and include net win from covered
1120 games for those months outside of the Tribe's audit period but
1121 within the revenue sharing cycle, before issuing the audit
1122 report.

1123 (d) No later than 30 calendar days after the day the audit
1124 report is issued, the Tribe shall remit to the state any
1125 underpayment of the annual revenue share, and the state shall

1126 either reimburse to the Tribe any overpayment of the annual
1127 revenue share or authorize the overpayment to be deducted from
1128 the next successive monthly payment or payments.

1129 (5) If, after any change in state law to affirmatively
1130 allow internet or online gaming, or any functionally equivalent
1131 remote gaming system that permits a person to play from home or
1132 any other location that is remote from a casino or other
1133 commercial gaming facility, the Tribe's net win from the
1134 operation of covered games at all of its facilities combined
1135 drops more than five percent below its net win from the previous
1136 12-month period, the Tribe shall no longer be required to make
1137 payments to the state based on the guaranteed minimum compact
1138 term payment and shall not be required to make the guaranteed
1139 minimum compact term payment. However, the Tribe shall continue
1140 to make payments based on the percentage revenue share amount.
1141 The Tribe shall resume making the guaranteed minimum compact
1142 term payment for any subsequent revenue sharing cycle in which
1143 its net win rises above the level described in this subsection.
1144 This subsection does not apply if:

1145 (a) The decline in net win is due to acts of God, war,
1146 terrorism, fires, floods, or accidents causing damage to or
1147 destruction of one or more of its facilities or property
1148 necessary to operate the facility of facilities; or

1149 (b) The Tribe offers internet or online gaming or any
1150 functionally equivalent remote gaming system that permits a

1151 person to game from home or any other location that is remote
1152 from any of the Tribe's facilities, as authorized by law.

1153 (6) The annual oversight assessment, which shall not
1154 exceed \$250,000 per year, indexed for inflation as determined by
1155 the Consumer Price Index, shall be determined and paid in
1156 quarterly installments within 30 calendar days after receipt by
1157 the Tribe of an invoice from the state compliance agency. The
1158 Tribe reserves the right to audit the invoices on an annual
1159 basis, a copy of which will be provided to the state compliance
1160 agency, and any discrepancies found therein shall be reconciled
1161 within 45 calendar days after receipt of the audit by the state
1162 compliance agency.

1163 (7) The Tribe shall make an annual donation to the Florida
1164 Council on Compulsive Gaming as an assignee of the state in an
1165 amount not less than \$250,000 per facility.

1166 (8) In accordance with the Tribe's previous and continued
1167 conduct of Class III gaming pursuant to the previously existing
1168 compact, the Tribe shall continue to pay the state \$19.5 million
1169 on or before the 15th day of the month following each month that
1170 the Tribe conducts Class III gaming before the effective date of
1171 this compact.

1172 (9) On the effective date of this compact, any moneys
1173 remitted by the Tribe before the effective date of this compact
1174 shall be released to the state without further obligation or
1175 encumbrance.

1176 (10) Except as expressly provided in this part, nothing in
1177 this compact shall be deemed to require the Tribe to make
1178 payments of any kind to the state or any of its agencies.

1180 PART XII

1182 REDUCTION OF TRIBAL PAYMENTS BECAUSE OF LOSS OF EXCLUSIVITY
1183 OR OTHER CHANGES IN STATE LAW.—The intent of this compact is to
1184 provide the Tribe with the right to operate covered games on an
1185 exclusive basis throughout the state, subject to the exceptions
1186 and provisions in this part.

1187 (1) For purposes of this subsection, the terms "Class III
1188 gaming" or "other casino-style gaming" include, but are not
1189 limited to, slot machines, electronically assisted bingo or
1190 electronically assisted pull-tab games, noncard table games,
1191 video lottery terminals, or any similar games, whether or not
1192 such games are determined through the use of a random number
1193 generator.

1194 (a) If, after January 1, 2018, state law is amended,
1195 implemented, or interpreted to allow the operation of Class III
1196 gaming or other casino-style gaming at any location under the
1197 jurisdiction of the state that was not in operation as of
1198 January 1, 2018, or a new form of Class III gaming or other
1199 casino-style gaming that was not in operation as of January 1,
1200 2018, and such gaming is offered to the public as a result of

HB 7067

2018

1201 the amendment, implementation, or interpretation, the Tribe, no
1202 fewer than 30 days after the commencement of such new gaming or
1203 90 days after the state's receipt of written notice from the
1204 Tribe pursuant to subsection (b), whichever occurs later, may
1205 elect to begin making the affected portion of its payments due
1206 to the state pursuant to subsections (2) and (7) of Part XI,
1207 into an escrow account.

1208 (b) In order to exercise the provisions of paragraph (a),
1209 the Tribe must first notify the state, within 90 days after such
1210 amendment, implementation, or interpretation of state law, of
1211 the Tribe's objections to such action or interpretation and
1212 further specify the basis for the Tribe's contention that such
1213 action or interpretation infringes upon the substantial
1214 exclusivity afforded under this compact. As part of its written
1215 notice, the Tribe must also indicate, if applicable, its
1216 intention to begin making the affected portion of its payments
1217 due to the state into an escrow account.

1218 (c) Upon receipt of written notice from the Tribe, the
1219 state may elect to:

1220 1. Invoke the dispute resolution provisions of Part XIII
1221 to determine whether the Tribe's contention is well-founded. In
1222 such proceeding, the Tribe carries the burden of proof and
1223 persuasion. The pendency of such proceeding tolls the time
1224 periods set forth in paragraph (1)(a) of Part XI for the
1225 duration of the dispute or litigation; or

1226 2. Seek through enforcement action, legislation, or other
1227 means to stop the conduct of such new games.

1228 (d)1. If, within 15 months following the state's receipt
1229 of written notice from the Tribe, the Tribe's contention is
1230 deemed not to be well-founded at the conclusion of dispute
1231 resolution or new gaming is made illegal and is halted, then all
1232 funds being held in the escrow account shall be released to the
1233 state and all further payments due to the state pursuant to
1234 subsections (2) and (7) of Part XI shall promptly resume.

1235 2. If, after 15 months following the state's receipt of
1236 written notice from the Tribe, the Tribe's contention is deemed
1237 to be well-founded at the conclusion of dispute resolution and
1238 such gaming is not made illegal and halted, then all funds being
1239 held in escrow shall be returned to the Tribe and all further
1240 payments due to the state pursuant to subsections (2) and (7) of
1241 Part XI shall cease or be reduced as provided in subsection (2)
1242 until such gaming is no longer operated, in which event the
1243 payments shall promptly resume.

1244 (2) The following are exceptions to the exclusivity
1245 provisions of subsection (1):

1246 (a) Any Class III gaming authorized by a compact between
1247 the state and any other federally recognized tribe pursuant to
1248 Indian Gaming Regulatory Act, provided that the tribe has land
1249 in federal trust in the state as of January 1, 2018.

1250 (b) The operation of slot machines, which does not include

1251 any game played with tangible playing cards, at each of the four
1252 currently operating licensed pari-mutuel facilities in Broward
1253 County and the four currently operating licensed pari-mutuel
1254 facilities in Miami-Dade County, whether or not currently
1255 operating slot machines, provided that such licenses are not
1256 transferred or otherwise used to move or operate such slot
1257 machines at any other location.

1258 (c)1. If state law is amended to allow for the play of any
1259 additional type of Class III or other casino-style gaming at any
1260 of the presently operating licensed pari-mutuel facilities in
1261 Broward and Miami-Dade Counties, the Tribe may be entitled to a
1262 reduction in the revenue sharing payment as described in
1263 subparagraph 2.

1264 2. If the Tribe's annual net win from its facilities
1265 located in Broward County for the 12 month period after the
1266 gaming specified in subparagraph 1. begins to be offered for
1267 public or private use is less than the net revenue base, the
1268 revenue share payments due to the state, pursuant to
1269 subparagraph (2)(a)2. of Part XI, for the next revenue sharing
1270 cycle and future revenue sharing cycles shall be calculated by
1271 reducing the Tribe's payment on revenue generated from its
1272 facilities in Broward County by 50 percent of that reduction in
1273 annual net win from its facilities in Broward County. This
1274 paragraph does not apply if the decline in net win is due to
1275 acts of God, war, terrorism, fires, floods, or accidents causing

1276 damage to or destruction of one or more of its facilities or
1277 property necessary to operate the facility or facilities.

1278 3. If the Tribe's annual net win from its facilities
1279 located in Broward County subsequently equals or exceeds the net
1280 revenue base, then the Tribe's payments due to the state
1281 pursuant to subparagraph (2) (a)2. of Part XI shall again be
1282 calculated without any reduction, but may be reduced again under
1283 the provisions set forth in subparagraph 2.

1284 (d) If state law is amended to allow the play of Class III
1285 gaming or other casino-style gaming, as defined in this part, at
1286 any location in Miami-Dade County or Broward County under the
1287 jurisdiction of the state that is not presently licensed for the
1288 play of such games at such locations, other than those
1289 facilities set forth in paragraph (c) and this paragraph, and
1290 such games were not in play as of January 1, 2018, and such
1291 gaming begins to be offered for public or private use, the
1292 payments due the state pursuant to subparagraph (c)2., shall be
1293 calculated by excluding the net win from the Tribe's facilities
1294 in Broward County.

1295 (e) The operation of a combined total of not more than 350
1296 historic racing machines, connected to a central server at that
1297 facility, and electronic bingo machines at each pari-mutuel
1298 facility licensed as of January 1, 2018, and not located in
1299 either Broward County or Miami-Dade County.

1300 (f) The operation of pari-mutuel wagering activities at

1301 pari-mutuel facilities licensed by the state, provided such
1302 facilities annually conduct a full schedule of live races or
1303 games in a manner that would comply with the Florida Statutes in
1304 effect as of January 1, 2018.

1305 (g) The operation of poker, including no-limit poker but
1306 excluding any game involving a bank, at card rooms licensed by
1307 the state; provided all such card rooms are located at pari-
1308 mutuel facilities that annually conduct a certain number of live
1309 performances in a manner that would comply with cardroom license
1310 renewal requirements set forth in the Florida Statutes in effect
1311 as of January 1, 2018.

1312 (h) The operation by the Department of the Lottery of
1313 those types of lottery games authorized under chapter 24 as of
1314 January 1, 2018, but not including any player-activated or
1315 operated machine or device other than a lottery vending machine
1316 or any banked or banking card or table game. However, not more
1317 than ten lottery vending machines may be installed at any
1318 facility or location and no lottery vending machine that
1319 dispenses electronic instant tickets may be installed at any
1320 licensed pari-mutuel facility.

1321 (i) The operation of games authorized by chapter 849 as of
1322 January 1, 2018, which does not authorize any card game in which
1323 any person, operator, or other party serves as a bank, paying
1324 all winners and collecting from all losers.

1325 (3) To the extent that the exclusivity provisions of this

1326 part are breached or otherwise violated and the Tribe's ongoing
1327 payment obligations to the state pursuant to subsections (2) and
1328 (7) of Part XI cease, any outstanding payments that would have
1329 been due the state from the Tribe's facilities before the breach
1330 or violation shall be made within 30 business days after the
1331 breach or violation.

1332 (4) The breach of this part's exclusivity provisions and
1333 the cessation of payments pursuant to subsections (2) and (7) of
1334 Part XI shall not excuse the Tribe from continuing to comply
1335 with all other provisions of this compact, including continuing
1336 to pay the state the annual oversight assessment as set forth in
1337 subsection (3) of Part XI.

1338
1339 PART XIII
1340

1341 DISPUTE RESOLUTION.—In the event that the Tribe or State
1342 believes that the other party has failed to comply with any
1343 requirements of this compact, or in the event of any dispute
1344 hereunder, including, but not limited to, a dispute over the
1345 proper interpretation of the terms and conditions of this
1346 compact, the goal of the parties is to resolve all disputes
1347 amicably and voluntarily whenever possible. In pursuit of this
1348 goal, the following procedures may be invoked:

1349 (1) A party asserting noncompliance or seeking an
1350 interpretation of this compact first shall serve written notice

1351 on the other party. The notice shall identify the specific
1352 compact provision alleged to have been violated or in dispute
1353 and shall specify in detail the asserting party's contention and
1354 any factual basis for the claim. Representatives of the Tribe
1355 and state shall meet within 30 calendar days after receipt of
1356 notice in an effort to resolve the dispute, unless they mutually
1357 agree to extend this period.

1358 (2) A party asserting noncompliance or seeking an
1359 interpretation of this compact under this part shall be deemed
1360 to have certified that to the best of the party's knowledge,
1361 information, and belief formed after reasonable inquiry, the
1362 claim of noncompliance or the request for interpretation of this
1363 compact is warranted and made in good faith and not for any
1364 improper purpose, such as to harass or to cause unnecessary
1365 delay or the needless incurring of the cost of resolving the
1366 dispute.

1367 (3) If the parties are unable to resolve a dispute through
1368 the process specified in subsections (1) and (2), either party
1369 may call for mediation under the Commercial Mediation Procedures
1370 of the American Arbitration Association or any successor
1371 procedures, provided that such mediation does not last more than
1372 60 calendar days, unless an extension to this time limit is
1373 negotiated by the parties. Only matters arising under the terms
1374 of this compact may be available for resolution through
1375 mediation. If the parties are unable to resolve a dispute

1376 through the process specified in this part, notwithstanding any
1377 other provision of law, either party may bring an action in a
1378 United States District Court having venue regarding a dispute
1379 arising under this compact. If the court declines to exercise
1380 jurisdiction, or federal precedent exists that holds that the
1381 court would not have jurisdiction over such a dispute, either
1382 party may bring the action in the appropriate court of the
1383 Seventeenth Judicial Circuit in Broward County, Florida. The
1384 parties are entitled to all rights of appeal permitted by law in
1385 the court system in which the action is brought.

1386 (4) For purposes of actions based on disputes between the
1387 state and the Tribe that arise under this compact and the
1388 enforcement of any judgment resulting from such action, the
1389 Tribe and the state each expressly waive the right to assert
1390 sovereign immunity from suit and from enforcement of any ensuing
1391 judgment, and further consent to be sued in federal or state
1392 court, including the right of appeal specified above, as the
1393 case may be, provided that:

1394 (a) The dispute is limited solely to issues arising under
1395 this compact.

1396 (b) There is no claim for monetary damages, except that
1397 payment of any money required by the terms of this compact, as
1398 well as injunctive relief or specific performance enforcing a
1399 provision of this compact requiring the payment of money to the
1400 state may be sought.

1401 (c) Nothing herein shall be construed to constitute a
1402 waiver of the sovereign immunity of the Tribe with respect to
1403 any third party that is made a party or intervenes as a party to
1404 the action. In the event that intervention, joinder, or other
1405 participation by any additional party in any action between the
1406 state and the Tribe would result in the waiver of the Tribe's
1407 sovereign immunity as to that additional party, the waiver of
1408 the Tribe may be revoked.

1409 (5) The state may not be precluded from pursuing any
1410 mediation or judicial remedy against the Tribe on the grounds
1411 that the state has failed to exhaust its Tribal administrative
1412 remedies.

1413 (6) Notwithstanding any other provision of this part, any
1414 failure of the Tribe to remit the payments pursuant to the terms
1415 of Part XI entitles the state to seek injunctive relief in
1416 federal or state court, at the state's election, to compel the
1417 payments after the dispute resolution process in subsections (1)
1418 and (2) is exhausted.

1420 PART XIV

1422 CONSTRUCTION OF COMPACT; SEVERANCE; FEDERAL APPROVAL.—

1423 (1) Each provision of this compact shall stand separate
1424 and independent of every other provision. In the event that a
1425 federal district court in Florida or other court of competent

1426 jurisdiction shall find any provision of this compact to be
1427 invalid, the remaining provisions shall remain in full force and
1428 effect, provided that severing the invalidated provision does
1429 not undermine the overall intent of the parties in entering into
1430 this compact. However, if subsection (6) of Part III, Part XI,
1431 or Part XII is held by a court of competent jurisdiction to be
1432 invalid, this compact will become null and void.

1433 (2) It is understood that Part XII, which provides for a
1434 cessation of the payments to the state under Part XI, does not
1435 create any duty on the state but only a remedy for the Tribe if
1436 gaming under state jurisdiction is expanded.

1437 (3) This compact is intended to meet the requirements of
1438 the Indian Gaming Regulatory Act as it reads on the effective
1439 date of this compact, and where reference is made to the Indian
1440 Gaming Regulatory Act, or to an implementing regulation thereof,
1441 the reference is deemed to have been incorporated into this
1442 document. Subsequent changes to the Indian Gaming Regulatory Act
1443 that diminish the rights of the state or Tribe may not be
1444 applied retroactively to alter the terms of this compact, except
1445 to the extent that federal law validly mandates that retroactive
1446 application without the respective consent of the state or the
1447 Tribe. In the event that a subsequent change in the Indian
1448 Gaming Regulatory Act, or to an implementing regulation thereof,
1449 mandates retroactive application without the respective consent
1450 of the state or the Tribe, the parties agree that this compact

1451 is voidable by either party if the subsequent change materially
1452 alters the provisions in the compact relating to the play of
1453 covered games, revenue sharing payments, suspension or reduction
1454 of payments, or exclusivity.

1455 (4) Neither the presence of language that is not included
1456 in this compact, nor the absence in this compact of language
1457 that is present in another state-tribal compact shall be a
1458 factor in construing the terms of this compact.

1459 (5) The Tribe and the state shall defend the validity of
1460 this compact.

1461 (6) The parties shall cooperate in seeking approval of
1462 this compact from the Secretary of the Department of the
1463 Interior.

1464

1465 PART XV

1466

1467 NOTICES.—All notices required under this compact shall be
1468 given by certified mail, return receipt requested, commercial
1469 overnight courier service, or personal delivery, to the
1470 Governor, the President of the Senate, the Speaker of the House
1471 of Representatives, and the Chairman and General Counsel of the
1472 Seminole Tribe of Florida.

1473

1474 PART XVI

1475

EFFECTIVE DATE AND TERM.—

(1) This compact, if identical to the version ratified by the Legislature in s. 285.710(3)(c), Florida Statutes, in 2018, shall become effective upon its approval as a tribal-state compact within the meaning of the Indian Gaming Regulatory Act either by action of the Secretary of the Department of the Interior or by operation of law under 25 U.S.C. s. 2710(d)(8) upon publication of a notice of approval in the Federal Register under 25 U.S.C. s. 2710(d)(8)(D).

(2) This compact shall have a term of twenty years beginning on the first day of the month following the month in which the compact becomes effective under subsection (1).

(3) The Tribe's authorization to offer covered games under this compact shall automatically terminate twenty years after the effective date unless renewed by an affirmative act of the Legislature.

PART XVII

AMENDMENT OF COMPACT AND REFERENCES.—

(1) Amendment of this compact may only be made by written agreement of the parties, subject to approval by the Secretary of the Department of the Interior, either by publication of the notice of approval in the Federal Register or by operation of law under 25 U.S.C. s. 2710(d)(8).

1501 (2) Legislative ratification is required for any amendment
1502 to the compact that alters the provisions relating to covered
1503 games, the amount of revenue sharing payments, suspension or
1504 reduction in payments, or exclusivity.

1505 (3) Changes in the provisions of tribal ordinances,
1506 regulations, and procedures referenced in this compact may be
1507 made by the Tribe with 30 days' advance notice to the state. If
1508 the state has an objection to any change to the tribal
1509 ordinance, regulation, or procedure which is the subject of the
1510 notice on the ground that its adoption would be a violation of
1511 the Tribe's obligations under this compact, the state may invoke
1512 the dispute resolution provisions provided in Part XIII.

1513
1514 PART XVIII

1515
1516 MISCELLANEOUS.—

1517 (1) Except to the extent expressly provided in this
1518 compact, this compact is not intended to, and shall not be
1519 construed to, create any right on the part of a third party to
1520 bring an action to enforce any of its terms.

1521 (2) If, after the effective date of this compact, the
1522 state enters into a compact with any other Tribe that contains
1523 more favorable terms with respect to the provisions of this
1524 Compact and the Secretary of the Department of the Interior
1525 approves such compact, either by publication of the notice of

1526 approval in the Federal Register or by operation of law under 25
1527 U.S.C. s. 2710(d)(8), upon tribal notice to the state and the
1528 Secretary, this compact shall be deemed amended to contain the
1529 more favorable terms, unless the state objects to the change and
1530 can demonstrate, in a proceeding commenced under Part XIII, that
1531 the terms in question are not more favorable.

1532 (3) Upon the occurrence of certain events beyond the
1533 Tribe's control, including acts of God, war, terrorism, fires,
1534 floods, or accidents causing damage to or destruction of one or
1535 more of its facilities or property necessary to operate the
1536 facility or facilities, the Tribe's obligation to pay the
1537 guaranteed minimum compact term payment described in Part XI
1538 shall be reduced pro rata to reflect the percentage of the total
1539 net win lost to the Tribe from the impacted facility or
1540 facilities and the net win specified under subsection (2) of
1541 Part XII for purposes of determining whether the Tribe's
1542 payments described in Part XI shall cease, shall be reduced pro
1543 rata to reflect the percentage of the total net win lost to the
1544 Tribe from the impacted facility or facilities. The foregoing
1545 shall not excuse any obligations of the Tribe to make payments
1546 to the state as and when required hereunder or in any related
1547 document or agreement.

1548 (4) The Tribe and the state recognize that opportunities
1549 to engage in gaming in smoke-free or reduced-smoke environments
1550 provides both health and other benefits to patrons, and the

1551 Tribe has instituted a nonsmoking section at its Seminole Hard
1552 Rock Hotel & Casino-Hollywood Facility. As part of its
1553 continuing commitment to this issue, the Tribe shall:

1554 (a) Install and utilize a ventilation system at all new
1555 construction at its facilities, which system exhausts tobacco
1556 smoke to the extent reasonably feasible under existing state-of-
1557 the-art technology.

1558 (b) Designate a smoke-free area for slot machines at all
1559 new construction at its facilities.

1560 (c) Install nonsmoking, vented tables for table games
1561 installed in its facilities sufficient to reasonably respond to
1562 demand for such tables.

1563 (d) Designate a nonsmoking area for gaming within all of
1564 its facilities within five years after the effective date of the
1565 compact.

1566 (5) The annual average minimum pay-out of all slot
1567 machines in each facility may not be less than 85 percent.

1568 (6) Nothing in this compact shall alter any of the
1569 existing memoranda of understanding, contracts, or other
1570 agreements entered into between the Tribe and any other federal,
1571 state, or local governmental entity.

1572 (7) The Tribe currently has, as set forth in its Employee
1573 Fair Treatment and Dispute Resolution Policy, and agrees to
1574 maintain, standards that are comparable to the standards
1575 provided in federal laws and state laws forbidding employers

1576 from discrimination in connection with the employment of persons
1577 working at the facilities on the basis of race, color, religion,
1578 national origin, gender, age, disability, or marital status.
1579 Nothing herein shall preclude the Tribe from giving preference
1580 in employment, promotion, seniority, lay-offs, or retention to
1581 members of the Tribe and other federally recognized tribes.

1582 (8) The Tribe shall, with respect to any facility where
1583 covered games are played, adopt and comply with tribal
1584 requirements that meet the same minimum state requirements
1585 applicable to businesses in the state with respect to
1586 environmental and building standards.

1587
1588 PART XIX
1589

1590 EXECUTION.—The Governor of the State of Florida affirms
1591 that he has authority to act for the state in this matter and
1592 that, provided that this compact is identical to the compact
1593 ratified by the Legislature pursuant to s. 285.710(3)(c),
1594 Florida Statutes, no further action by the state or any state
1595 official is necessary for this compact to take effect upon
1596 federal approval by action of the Secretary of the Department of
1597 the Interior or by operation of law under 25 U.S.C. s.
1598 2710(d)(8) by publication of the notice of approval in the
1599 Federal Register. The Governor affirms that he will proceed with
1600 obtaining such federal approval and take all other appropriate

1601 action to effectuate the purposes and intent of this Compact.
1602 The undersigned Chairman of the Tribal Council of the Seminole
1603 Tribe of Florida affirms that he is duly authorized and has the
1604 authority to execute this Compact on behalf of the Tribe. The
1605 Chairman also affirms that he will assist in obtaining federal
1606 approval and take all other appropriate action to effectuate the
1607 purposes and intent of this Compact.

1608 Section 2. Subsection (4) of section 285.712, Florida
1609 Statutes, is amended to read:

1610 285.712 Tribal-state gaming compacts.—

1611 (4) Upon execution ~~receipt~~ of ~~an act ratifying~~ a tribal-
1612 state compact entered pursuant to s. 285.710(3)(b), the Governor
1613 shall provide a copy to the Secretary of State who shall forward
1614 a copy of the executed compact and the ratifying act to the
1615 United States Secretary of the Interior for his or her review
1616 and approval, in accordance with 25 U.S.C. s. 2710(d)(8)
1617 ~~2710(8)(d)~~.

1618 Section 3. Subsections (9), (11), (13), and (14) of
1619 section 550.054, Florida Statutes, are amended to read:

1620 550.054 Application for permit to conduct pari-mutuel
1621 wagering.—

1622 (9)(a) After a permit has been granted by the division and
1623 has been ratified and approved by the majority of the electors
1624 participating in the election in the county designated in the
1625 permit, the division shall grant to the lawful permitholder,

1626 subject to the conditions of this chapter, a license to conduct
1627 pari-mutuel operations under this chapter, and, except as
1628 provided in s. 550.5251, the division shall fix annually the
1629 time, place, and number of days during which pari-mutuel
1630 operations may be conducted by the permitholder at the location
1631 fixed in the permit and ratified in the election. After the
1632 first license has been issued to the holder of a ratified permit
1633 for racing in any county, all subsequent annual applications for
1634 a license by that permitholder must be accompanied by proof, in
1635 such form as the division requires, that the ratified
1636 permitholder still possesses all the qualifications prescribed
1637 by this chapter and that the permit has not been recalled at a
1638 later election held in the county.

1639 (b) The division may revoke or suspend any permit or
1640 license issued under this chapter upon a the willful violation
1641 by the permitholder or licensee ~~of any provision of chapter 551,~~
1642 chapter 849, or this chapter or rules of any rule adopted
1643 pursuant to those chapters under this chapter. With the
1644 exception of the revocation of permits required in paragraphs
1645 (c) and (f) In lieu of suspending or revoking a permit or
1646 license, the division, in lieu of suspending or revoking a
1647 permit or license, may impose a civil penalty against the
1648 permitholder or licensee for a violation of this chapter or
1649 rules adopted thereto any rule adopted by the division.
1650 The penalty so imposed may not exceed \$1,000 for each count or

1651 separate offense. All penalties imposed and collected must be
1652 deposited with the Chief Financial Officer to the credit of the
1653 General Revenue Fund.

1654 (c)1. The division shall revoke the permit of any
1655 permitholder that fails to make payments due pursuant to chapter
1656 550, chapter 551, or s. 849.086 for more than 24 consecutive
1657 months unless such failure was the direct result of fire,
1658 strike, war, or other disaster or event beyond the
1659 permitholder's control. Financial hardship to the permitholder
1660 does not, in and of itself, constitute just cause for failure to
1661 make payments.

1662 2. The division shall revoke the permit of any
1663 permitholder that has not obtained an operating license in
1664 accordance with s. 550.01215 for a period of more than 24
1665 consecutive months after June 30, 2012. The division shall
1666 revoke the permit upon adequate notice to the permitholder.
1667 Financial hardship to the permitholder does not, in and of
1668 itself, constitute just cause for failure to operate.

1669 (d) A new permit to conduct pari-mutuel wagering may not
1670 be approved or issued after January 1, 2018.

1671 (e) A permit revoked under this subsection is void and may
1672 not be reissued.

1673 (11) (a) A permit granted under this chapter may not be
1674 transferred or assigned except upon written approval by the
1675 division pursuant to s. 550.1815, ~~except that the holder of any~~

1676 ~~permit that has been converted to a jai alai permit may lease or~~
1677 ~~build anywhere within the county in which its permit is located.~~

1678 (13) ~~(a)~~ Notwithstanding any provision ~~provisions~~ of this
1679 chapter or chapter 551, a pari-mutuel ~~no thoroughbred horse~~
1680 ~~rac~~ing permit or license issued under this chapter may not ~~shall~~
1681 ~~be transferred, or reissued when such reissuance is in the~~
1682 ~~nature of a transfer so as to permit or authorize a licensee to~~
1683 ~~change the location of a thoroughbred horse racetrack except~~
1684 ~~upon proof in such form as the division may prescribe that a~~
1685 ~~referendum election has been held:~~

1686 1. ~~If the proposed new location is within the same county~~
1687 ~~as the already licensed location, in the county where the~~
1688 ~~licensee desires to conduct the race meeting and that a majority~~
1689 ~~of the electors voting on that question in such election voted~~
1690 ~~in favor of the transfer of such license.~~

1691 2. ~~If the proposed new location is not within the same~~
1692 ~~county as the already licensed location, in the county where the~~
1693 ~~licensee desires to conduct the race meeting and in the county~~
1694 ~~where the licensee is already licensed to conduct the race~~
1695 ~~meeting and that a majority of the electors voting on that~~
1696 ~~question in each such election voted in favor of the transfer of~~
1697 ~~such license.~~

1698 ~~(b)~~ ~~Each referendum held under the provisions of this~~
1699 ~~subsection shall be held in accordance with the electoral~~
1700 ~~procedures for ratification of permits, as provided in s.~~

HB 7067

2018

1701 ~~550.0651. The expense of each such referendum shall be borne by~~
1702 ~~the licensee requesting the transfer.~~

1703 (14)(a) Notwithstanding any other provision of law, a
1704 pari-mutuel permit, cardroom, or slot machine facility may not
1705 be relocated, and a pari-mutuel permit may not be converted to
1706 another class of permit. Any holder of a permit to conduct jai
1707 alai may apply to the division to convert such permit to a
1708 permit to conduct greyhound racing in lieu of jai alai if:

1709 1. ~~Such permit is located in a county in which the~~
1710 ~~division has issued only two pari-mutuel permits pursuant to~~
1711 ~~this section;~~

1712 2. ~~Such permit was not previously converted from any other~~
1713 ~~class of permit; and~~

1714 3. ~~The holder of the permit has not conducted jai alai~~
1715 ~~games during a period of 10 years immediately preceding his or~~
1716 ~~her application for conversion under this subsection.~~

1717 ~~(b) The division, upon application from the holder of a~~
1718 ~~jai alai permit meeting all conditions of this section, shall~~
1719 ~~convert the permit and shall issue to the permitholder a permit~~
1720 ~~to conduct greyhound racing. A permitholder of a permit~~
1721 ~~converted under this section shall be required to apply for and~~
1722 ~~conduct a full schedule of live racing each fiscal year to be~~
1723 ~~eligible for any tax credit provided by this chapter. The holder~~
1724 ~~of a permit converted pursuant to this subsection or any holder~~
1725 ~~of a permit to conduct greyhound racing located in a county in~~

1726 ~~which it is the only permit issued pursuant to this section who~~
1727 ~~operates at a leased facility pursuant to s. 550.475 may move~~
1728 ~~the location for which the permit has been issued to another~~
1729 ~~location within a 30-mile radius of the location fixed in the~~
1730 ~~permit issued in that county, provided the move does not cross~~
1731 ~~the county boundary and such location is approved under the~~
1732 ~~zoning regulations of the county or municipality in which the~~
1733 ~~permit is located, and upon such relocation may use the permit~~
1734 ~~for the conduct of pari-mutuel wagering and the operation of a~~
1735 ~~cardroom. The provisions of s. 550.6305(9)(d) and (f) shall~~
1736 ~~apply to any permit converted under this subsection and shall~~
1737 ~~continue to apply to any permit which was previously included~~
1738 ~~under and subject to such provisions before a conversion~~
1739 ~~pursuant to this section occurred.~~

1740 Section 4. Section 550.0555, Florida Statutes, is
1741 repealed.

1742 Section 5. Section 550.0745, Florida Statutes, is
1743 repealed.

1744 Section 6. Subsection (3) of section 550.09512, Florida
1745 Statutes, is amended to read:

1746 550.09512 Harness horse taxes; abandoned interest in a
1747 permit for nonpayment of taxes.—

1748 (3)~~(a)~~ The division shall revoke the permit of a harness
1749 horse racing permitholder who does not pay tax on handle for
1750 live harness horse performances for a full schedule of live

1751 racers for more than 24 consecutive months ~~during any 2~~
1752 ~~consecutive state fiscal years shall be void and shall escheat~~
1753 ~~to and become the property of the state unless such failure to~~
1754 ~~operate and pay tax on handle was the direct result of fire,~~
1755 ~~strike, war, or other disaster or event beyond the ability of~~
1756 ~~the permitholder to control. Financial hardship to the~~
1757 ~~permitholder does shall not, in and of itself, constitute just~~
1758 ~~cause for failure to operate and pay tax on handle. A permit~~
1759 ~~revoked under this subsection is void and may not be reissued.~~

1760 ~~(b) In order to maximize the tax revenues to the state,~~
1761 ~~the division shall reissue an escheated harness horse permit to~~
1762 ~~a qualified applicant pursuant to the provisions of this chapter~~
1763 ~~as for the issuance of an initial permit. However, the~~
1764 ~~provisions of this chapter relating to referendum requirements~~
1765 ~~for a pari-mutuel permit shall not apply to the reissuance of an~~
1766 ~~escheated harness horse permit. As specified in the application~~
1767 ~~and upon approval by the division of an application for the~~
1768 ~~permit, the new permitholder shall be authorized to operate a~~
1769 ~~harness horse facility anywhere in the same county in which the~~
1770 ~~escheated permit was authorized to be operated, notwithstanding~~
1771 ~~the provisions of s. 550.054(2) relating to mileage limitations.~~

1772 Section 7. Subsections (3) and (7) of section 550.09515,
1773 Florida Statutes, are amended to read:

1774 550.09515 Thoroughbred horse taxes; abandoned interest in
1775 a permit for nonpayment of taxes.—

HB 7067

2018

1776 (3) ~~(a)~~ The division shall revoke the permit of a
1777 thoroughbred racing horse permitholder that ~~who~~ does not pay tax
1778 on handle for live thoroughbred horse performances for a full
1779 schedule of live races for more than 24 consecutive months
1780 ~~during any 2 consecutive state fiscal years shall be void and~~
1781 ~~shall escheat to and become the property of the state unless~~
1782 such failure to operate and pay tax on handle was the direct
1783 result of fire, strike, war, or other disaster or event beyond
1784 the ability of the permitholder to control. Financial hardship
1785 to the permitholder does ~~shall~~ not, in and of itself, constitute
1786 just cause for failure to operate and pay tax on handle. A
1787 permit revoked under this subsection is void and may not be
1788 reissued.

1789 ~~(b) In order to maximize the tax revenues to the state,~~
1790 ~~the division shall reissue an escheated thoroughbred horse~~
1791 ~~permit to a qualified applicant pursuant to the provisions of~~
1792 ~~this chapter as for the issuance of an initial permit. However,~~
1793 ~~the provisions of this chapter relating to referendum~~
1794 ~~requirements for a pari-mutuel permit shall not apply to the~~
1795 ~~reissuance of an escheated thoroughbred horse permit. As~~
1796 ~~specified in the application and upon approval by the division~~
1797 ~~of an application for the permit, the new permitholder shall be~~
1798 ~~authorized to operate a thoroughbred horse facility anywhere in~~
1799 ~~the same county in which the escheated permit was authorized to~~
1800 ~~be operated, notwithstanding the provisions of s. 550.054(2)~~

1801 ~~relating to mileage limitations.~~

1802 ~~(7) If a thoroughbred permitholder fails to operate all~~
1803 ~~performances on its 2001-2002 license, failure to pay tax on~~
1804 ~~handle for a full schedule of live races for those performances~~
1805 ~~in the 2001-2002 fiscal year does not constitute failure to pay~~
1806 ~~taxes on handle for a full schedule of live races in a fiscal~~
1807 ~~year for the purposes of subsection (3). This subsection may not~~
1808 ~~be construed as forgiving a thoroughbred permitholder from~~
1809 ~~paying taxes on performances conducted at its facility pursuant~~
1810 ~~to its 2001-2002 license other than for failure to operate all~~
1811 ~~performances on its 2001-2002 license. This subsection expires~~
1812 ~~July 1, 2003.~~

1813 Section 8. Section 550.3345, Florida Statutes, is amended
1814 to read:

1815 550.3345 ~~Conversion of quarter horse permit to a Limited~~
1816 ~~thoroughbred racing permit.-~~

1817 (1) In recognition of the important and long-standing
1818 economic contribution of the thoroughbred horse breeding
1819 industry to this state and the state's vested interest in
1820 promoting the continued viability of this agricultural activity,
1821 the state intends to provide a limited opportunity for the
1822 conduct of live thoroughbred horse racing with the net revenues
1823 from such racing dedicated to the enhancement of thoroughbred
1824 purses and breeders', stallion, and special racing awards under
1825 this chapter; the general promotion of the thoroughbred horse

1826 breeding industry; and the care in this state of thoroughbred
1827 horses retired from racing.

1828 (2) A limited thoroughbred racing permit previously
1829 converted from ~~Notwithstanding any other provision of law, the~~
1830 ~~holder of a quarter horse racing permit pursuant to chapter~~
1831 2010-29, Laws of Florida, issued under s. 550.334 may only be
1832 held by, ~~within 1 year after the effective date of this section,~~
1833 ~~apply to the division for a transfer of the quarter horse racing~~
1834 ~~permit to a not-for-profit corporation formed under state law to~~
1835 ~~serve the purposes of the state as provided in subsection (1).~~
1836 ~~The board of directors of the not-for-profit corporation must be~~
1837 composed ~~comprised~~ of 11 members, 4 of whom shall be designated
1838 by the applicant, 4 of whom shall be designated by the Florida
1839 Thoroughbred Breeders' Association, and 3 of whom shall be
1840 designated by the other 8 directors, with at least 1 of these 3
1841 members being an authorized representative of another
1842 thoroughbred racing permitholder in this state. A limited
1843 thoroughbred racing ~~The not-for-profit corporation shall submit~~
1844 ~~an application to the division for review and approval of the~~
1845 ~~transfer in accordance with s. 550.054. Upon approval of the~~
1846 ~~transfer by the division, and notwithstanding any other~~
1847 ~~provision of law to the contrary, the not-for-profit corporation~~
1848 ~~may, within 1 year after its receipt of the permit, request that~~
1849 ~~the division convert the quarter horse racing permit to a permit~~
1850 ~~authorizing the holder to conduct pari-mutuel wagering meets of~~

1851 ~~thoroughbred racing. Neither the transfer of the quarter horse~~
1852 ~~racing permit nor its conversion to a limited thoroughbred~~
1853 ~~permit shall be subject to the mileage limitation or the~~
1854 ~~ratification election as set forth under s. 550.054(2) or s.~~
1855 ~~550.0651. Upon receipt of the request for such conversion, the~~
1856 ~~division shall timely issue a converted permit. The converted~~
1857 ~~permit and the not-for-profit corporation are shall be subject~~
1858 ~~to the following requirements:~~

1859 (a) All net revenues derived by the not-for-profit
1860 corporation under the thoroughbred ~~horse~~ racing permit, after
1861 the funding of operating expenses and capital improvements,
1862 shall be dedicated to the enhancement of thoroughbred purses and
1863 breeders', stallion, and special racing awards under this
1864 chapter; the general promotion of the thoroughbred horse
1865 breeding industry; and the care in this state of thoroughbred
1866 horses retired from racing.

1867 (b) From December 1 through April 30, ~~no~~ live thoroughbred
1868 racing may not be conducted under the permit on any day during
1869 which another thoroughbred racing permitholder is conducting
1870 live thoroughbred racing within 125 air miles of the not-for-
1871 profit corporation's pari-mutuel facility unless the other
1872 thoroughbred racing permitholder gives its written consent.

1873 (c) ~~After the conversion of the quarter horse racing~~
1874 ~~permit and the~~ issuance of its initial license to conduct pari-
1875 mutuel wagering meets of thoroughbred racing, the not-for-profit

1876 corporation shall annually apply to the division for a license
 1877 pursuant to s. 550.5251.

1878 (d) Racing under the permit may take place only at the
 1879 location for which the original quarter horse racing permit was
 1880 issued, which may be leased by the not-for-profit corporation
 1881 for that purpose; ~~however, the not-for-profit corporation may,~~
 1882 ~~without the conduct of any ratification election pursuant to s.~~
 1883 ~~550.054(13) or s. 550.0651, move the location of the permit to~~
 1884 ~~another location in the same county provided that such~~
 1885 ~~relocation is approved under the zoning and land use regulations~~
 1886 ~~of the applicable county or municipality.~~

1887 (e) A limited thoroughbred racing ~~Ne~~ permit may not be
 1888 transferred ~~converted under this section is eligible for~~
 1889 ~~transfer~~ to another person or entity.

1890 (3) Unless otherwise provided in this section, ~~after~~
 1891 ~~conversion,~~ the permit and the not-for-profit corporation shall
 1892 be treated under the laws of this state as a thoroughbred racing
 1893 permit and as a thoroughbred racing permitholder, respectively,
 1894 with the exception of ss. 550.054(9)(c) and s. 550.09515(3).

1895 Section 9. Subsection (4) of section 551.102, Florida
 1896 Statutes, is amended to read:

1897 (4) "Eligible facility" means any licensed pari-mutuel
 1898 facility located in Miami-Dade County or Broward County existing
 1899 at the time of adoption of s. 23, Art. X of the State
 1900 Constitution that has conducted live racing or games during

1901 calendar years 2002 and 2003 and has been approved by a majority
1902 of voters in a countywide referendum to have slot machines at
1903 such facility in the respective county; or any licensed pari-
1904 mutuel facility located within a county as defined in s.
1905 125.011, provided such facility has conducted live racing for 2
1906 consecutive calendar years immediately preceding its application
1907 for a slot machine license, pays the required license fee, and
1908 meets the other requirements of this chapter; ~~or any licensed~~
1909 ~~pari-mutuel facility in any other county in which a majority of~~
1910 ~~voters have approved slot machines at such facilities in a~~
1911 ~~countywide referendum held pursuant to a statutory or~~
1912 ~~constitutional authorization after the effective date of this~~
1913 ~~section in the respective county, provided such facility has~~
1914 ~~conducted a full schedule of live racing for 2 consecutive~~
1915 ~~calendar years immediately preceding its application for a slot~~
1916 ~~machine license, pays the required licensed fee, and meets the~~
1917 ~~other requirements of this chapter.~~

1918 Section 10. Subsection (1) of section 551.104, Florida
1919 Statutes, is amended to read:

1920 551.104 License to conduct slot machine gaming.—

1921 (1) Upon application and a finding by the division after
1922 investigation that the application is complete and the applicant
1923 is qualified and payment of the initial license fee, the
1924 division may issue a license to conduct slot machine gaming in
1925 the designated slot machine gaming area of the eligible

1926 facility. Once licensed, slot machine gaming may be conducted
 1927 subject to the requirements of this chapter and rules adopted
 1928 pursuant thereto. Notwithstanding any other provision of law,
 1929 the division may not issue an initial license to conduct slot
 1930 machine gaming after January 1, 2018, or otherwise authorize the
 1931 conduct of slot machine gaming at any facility or location which
 1932 was not conducting slot machine gaming as of January 1, 2018.

1933 Section 11. Paragraphs (a) and (b) of subsection (2),
 1934 paragraph (d) of subsection (7), subsection (12), paragraph (c)
 1935 of subsection (14), and paragraph (a) of subsection (17) of
 1936 section 849.086, Florida Statutes, are amended to read:

1937 849.086 Cardrooms authorized.—

1938 (2) DEFINITIONS.—As used in this section:

1939 (a) "Authorized game" means a game or series of games of
 1940 traditional poker or dominoes which are played in a pari-mutuel,
 1941 nonbanking manner, where all players at the table play against
 1942 all other players at the table and contribute to a common pot of
 1943 winnings collected by the winner, and which are played in a
 1944 manner consistent with the rules and requirements set forth in
 1945 the 1974 edition of Hoyle's Modern Encyclopedia of Card Games.

1946 (b) "Banking game" means a game in which the house is a
 1947 participant in the game, taking on players, paying winners, and
 1948 collecting from losers, or a game in which any person or party
 1949 serves as ~~the cardroom establishes~~ a bank against which
 1950 participants play.

1951 (7) CONDITIONS FOR OPERATING A CARDROOM.—

1952 (d) A cardroom operator may award giveaways, jackpots, and
 1953 prizes to a player who holds certain combinations of cards
 1954 specified by the cardroom operator, provided that the award of
 1955 such giveaway, jackpot, or prize does not constitute a
 1956 prohibited activity under subsection (12).

1957 (12) PROHIBITED ACTIVITIES.—

1958 (a) ~~No person licensed to operate a cardroom may conduct~~
 1959 ~~any banking game or~~ Any game not specifically authorized by this
 1960 section is prohibited. Prohibited games include, but are not
 1961 limited to:

1962 1. Any game in which the cardroom or any other person or
 1963 party serves as a bank or banker against which players play.

1964 2. Any game in which players compete against a designated
 1965 player instead of competing against all players at the table.

1966 3. Any game in which the number of cards or ranking of
 1967 hands does not conform to the rules and requirements for
 1968 traditional poker as set forth in the 1974 edition of Hoyle's
 1969 Modern Encyclopedia of Card Games.

1970 4. Any other game conducted in a manner that is not
 1971 consistent with the provisions of this section.

1972 (b) ~~No person~~ Persons under 18 years of age may not be
 1973 permitted to hold a cardroom or employee license, or engage in
 1974 any game conducted therein.

1975 (c) ~~Ne~~ Electronic or mechanical devices, except mechanical

1976 card shufflers, may not be used to conduct any authorized game
 1977 in a cardroom.

1978 (d) ~~No~~ Cards, game components, or game implements may not
 1979 be used in playing an authorized game unless such has been
 1980 furnished or provided to the players by the cardroom operator.

1981 (14) SUSPENSION, REVOCATION, OR DENIAL OF LICENSE; FINE.—

1982 (c) ~~Notwithstanding any other provision of this section,~~
 1983 The division may impose an administrative fine not to exceed
 1984 \$1,000 for each violation against any person who has violated or
 1985 failed to comply with the provisions of this section or any
 1986 rules adopted pursuant thereto. The division may revoke the
 1987 license of any person who violates the provisions of subsection
 1988 (12) on or after August 1, 2018.

1989 (17) CHANGE OF LOCATION; REFERENDUM.—

1990 (a) Notwithstanding any provisions of this section, no
 1991 cardroom gaming license issued under this section shall be
 1992 transferred, or reissued when such reissuance is in the nature
 1993 of a transfer, so as to permit or authorize a licensee to change
 1994 the location of the cardroom except upon proof in such form as
 1995 the division may prescribe that a referendum election has been
 1996 held:

1997 1. If the proposed new location is within the same county
 1998 as the already licensed location, in the county where the
 1999 licensee desires to conduct cardroom gaming and that a majority
 2000 of the electors voting on the question in such election voted in

HB 7067

2018

2001 favor of the transfer of such license. ~~However, the division~~
2002 ~~shall transfer, without requirement of a referendum election,~~
2003 ~~the cardroom license of any permit holder that relocated its~~
2004 ~~permit pursuant to s. 550.0555.~~

2005 2. If the proposed new location is not within the same
2006 county as the already licensed location, in the county where the
2007 licensee desires to conduct cardroom gaming and that a majority
2008 of the electors voting on that question in each such election
2009 voted in favor of the transfer of such license.

2010 Section 12. Subsection (1) of section 849.16, Florida
2011 Statutes, is amended to read:

2012 849.16 Machines or devices which come within provisions of
2013 law defined.—

2014 (1) As used in this chapter, the term "slot machine or
2015 device" means any machine or device or system or network of
2016 devices that is adapted for use in such a way that, upon
2017 activation, which may be achieved by, but is not limited to, the
2018 insertion of any piece of money, coin, account number, code, or
2019 other object or information, such device or system is directly
2020 or indirectly caused to operate or may be operated and if the
2021 user, whether by application of skill or by reason of any
2022 element of chance or any other outcome unpredictable by the
2023 user, regardless of whether the machine or device or system or
2024 networks of devices includes a preview of the outcome or whether
2025 the outcome is known, displayed, or capable of being known or

2026 displayed to the user, may:

2027 (a) Receive or become entitled to receive any piece of
2028 money, credit, allowance, or thing of value;~~; or~~ any check,
2029 slug, token, or memorandum, whether of value or otherwise, which
2030 may be exchanged for any money, credit, allowance, or thing of
2031 value or which may be given in trade; or the opportunity to
2032 purchase a subsequently displayed outcome that may have a
2033 monetary value, regardless of whether such value is equal to,
2034 greater than, or less than the cost of purchasing such outcome;
2035 or

2036 (b) Secure additional chances or rights to use such
2037 machine, apparatus, or device, even though the device or system
2038 may be available for free play or, in addition to any element of
2039 chance or unpredictable outcome of such operation, may also
2040 sell, deliver, or present some merchandise, indication of
2041 weight, entertainment, or other thing of value. The term "slot
2042 machine or device" includes, but is not limited to, devices
2043 regulated as slot machines pursuant to chapter 551.

2044 Section 13. All cardroom games involving designated
2045 players or a bank of any kind are illegal and prohibited under
2046 s. 849.086, Florida Statutes. Any past or future action or
2047 inaction by the Division of Pari-Mutuel Wagering considered by
2048 any party or construed by a tribunal to constitute permission
2049 from the state, either for a licensed cardroom to conduct a
2050 banking game for purposes of s. 849.086 or for a licensed

HB 7067

2018

2051 cardroom to conduct a banking or banked card game for purposes
2052 of the Gaming Compact between the Seminole Tribe of Florida and
2053 the State of Florida executed pursuant to s. 285.710(3)(b),
2054 Florida Statutes, exceeds the division's delegated legislative
2055 authority, is contrary to will of the Legislature as expressed
2056 in the plain words of the Florida Statutes, and does not
2057 represent state action for purposes of the Gaming Compact
2058 executed pursuant to s. 285.710(3)(b), Florida Statutes.

2059 Section 14. This act shall take effect July 1, 2018.